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ABSTRACT

Utilizing census data primarily accumulated prior to the 1980 Census, the report provides a demographic profile of Hispanics in the United States. The 10 chapters examine and report findings in 4 key policy areas: education, employment, health; and housing. Information covers such topics as regional distribution of Hispanics; age; income; educational access and achievement; private and public elementary and high school enrollment; students' geographic location; postsecondary education enrollment; language characteristics; the language barrier; the Bilingual Education Act; evaluation of Title VII (Elementary and Secondary Education Act); state efforts to improve educational access; state appropriations; the National Assessment of Educational Progress Study; American Institutes for Research (AIR) report; the Children's English and Services Study; Hispanic participation in the U.S. labor market; changes in the Hispanic labor force; relative unemployment; employment; occupational distribution; historical employment trends; employment problems (education, duration of and reasons for unemployment); access to and utilization of the health care system; and Hispanic housing (physical adequacy, affordability, tenure, location, displacement, and discrimination). Forty-one key court decisions in the four policy areas are reviewed, e.g., Lau v. Nichols, University of California Regents v. Bakke, Gomez v. Pima County, Espinoza v. Farah Manufacturing Co., Guerra v. Bexar County Hospital District, and Village of Arlington Heights v. Metropolitan Housing Department Corp. (NQA)

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98th Congress
1st Session

COMMITTEE PRINT

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THE HISPANIC POPULATION OF THE UNITED STATES: AN OVERVIEW

A REPORT

PREPARED BY THE

CONGRESSIONAL RESEARCH SERVICE

FOR THE

SUBCOMMITTEE ON CENSUS AND POPULATION

OF THE

COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
U.S. HOUSE OF REPRESENTATIVES

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON CENSUS AND POPULATION,
Washington, D.C., April 21, 1983.

Hon. WILLIAM D. FORD,
Chairman, House Committee on Post Office and Civil Service
Washington, D.C.

DEAR MR. CHAIRMAN: I am herewith transmitting a report prepared for the Subcommittee on Census and Population by the Congressional Research Service regarding Hispanic population.

I requested this study because of the need for a comprehensive source of information about the Hispanic population. I believe this report goes a long way toward filling the information gap on the Hispanic population and accordingly, I request that this report be printed as a committee print.

Sincerely,

ROBERT GARCIA,
Chairman.

Enclosures.

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LETTER OF REQUEST

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 4, 1983.

Mr. GILBERT GUDE,
Director, Congressional Research Service,
Library of Congress,
Washington, D.C.

DEAR GIL: The subcommittee is requesting that the Service prepare a report that provides an overview of the Hispanic population in the United States. As you undoubtedly know, Hispanics are a diverse part of our population, and of growing importance. Many share a common language other than English. According to the 1980 Census there are 14.6 million Hispanics in the United States, making them the second largest minority group in America. In addition, they are the fastest growing population component. Although some reports have been written about this population, information is limited.

The report should utilize census data to provide a demographic profile of Hispanics, including who they are and where they are located. In addition, it should examine and report findings in four key policy areas: education, employment, health and housing. A review of key court decisions in these policy areas would be helpful.

I very much appreciate your assistance on this request. Once completed and printed, it will be a useful resource document in the years ahead.

With kind regards, I am
Sincerely,

ROBERT GARCIA,
Member of Congress.

FOREWORD

The Subcommittee on Census and Population believes there is a very real need to establish a statistical and demographic profile of the Hispanic population. Because of limited data and published studies, the Library of Congress was requested to initiate research in the areas of health, education, employment, and housing for the Hispanic community. Their analysis and findings contained in this report will be available to researchers and students throughout the country.

Under the expert guidance of Dorothy J. Baily, CRS analyst in American National Government, this study developed into a complete volume of information about the Hispanic community which will serve as a beginning for further research in this area. The subcommittee would also like to compliment Frederick Pauls, Director of the Government Division, for his full support of this project. In addition, a word of thanks to the research staff of the Congressional Research Service who prepared these reports.

Finally, the subcommittee would like to thank the Legislative Director of the Congressional Hispanic Caucus, Susan Herrera, for her work in making this report possible.

All minorities who serve in Congress have a special obligation, for not only do they represent their own constituencies, but they also serve those who are underrepresented in Congress. Although Hispanics are 16 million strong, and there are 100 Congressional Districts with Hispanic populations of more than 15 percent, there are only 11 elected Representatives in the House of Representatives of Hispanic heritage and no representative in the Senate.

It is the desire of this subcommittee that this report will assist the public in analyzing issues confronting the Hispanic community.

PREFACE

While this report [1] contains some data from the 1980 Census, it is based for the most part on data accumulated prior to then. It will be several years before all of the data from the 1980 Census will be published and can be assimilated.

[1] Secretarial production assistance was provided by Daphine A. Lee.

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CHAPTER I

SUMMARY OF REPORT FINDINGS

by
Dorothy J. Bailey
and
Frederick H. Pauls
Government Division

The 1980 Census figures show an Hispanic population of 14.6 million, an increase of almost 5.6 million from the 1970 Census (see U.S. Department of Commerce. Bureau of the Census. Supplementary Report. Persons of Spanish Origin by State: 1980 [PC80-S1-7. August 1982. 17p.). Despite special efforts by the Bureau of the Census to improve the accuracy of the count for Hispanics, it is entirely possible that the 14.6 million figure does not fully reflect the number of Hispanic origin persons in the United States.

In addition to, or perhaps because of, being America's largest language minority, some people, including Hispanic spokespersons, are concerned that Hispanics, particularly Spanish-speaking ones, may be socially and economically disadvantaged or deprived. This report does not attempt to resolve this issue. Rather, it draws together existing information and data on Hispanics in education, employment, health care, and housing. Chapters on relevant case law in each area are also provided.

Conclusions are difficult to draw from available data. In too many instances data are incomplete or dated. Nevertheless, they tend to support the proposition that living situations faced by large numbers of our Hispanic population are significantly affected by language, cultural, even racial barriers. It is also clear that the impact of these barriers is differentially felt within Hispanic subpopulations, with Cubans faring far better than many Puerto Ricans, Mexican-Americans, and Hispanics from other Central and South American countries.

DATA FINDINGS

Comprehensive and complete data on the U.S. Hispanic population are not available. Frequently Hispanic data are incorporated under the category of "whites." Moreover, available data do not systematically differentiate between subpopulations of Hispanics, i.e., Cubans, Puerto Ricans, Mexican-Americans, and other South and Central Americans. Most published data focus on two Hispanic subpopulations: Mexican-Americans and Puerto Ricans who are concentrated in two areas of the United States: the Southwest (Mexican-Americans) and the Northeast (Puerto Ricans). The amount, currency, and quality of available data vary from one major policy area to the next.

In an effort to remedy the lack of comprehensive data on the U.S. Hispanic population the Congress passed P.L. 94-311 (H.J. Res. 92) introduced by Congressman Edward R. Roybal (CA), which was signed into law by the President Carter on June 16, 1976. This law requires designated Federal agencies to collect, analyze, and publish health, social, and economic data relating to Americans of Spanish origin 1/ descent.

Since the passage of P.L. 94-311, the required Federal agencies have taken steps to collect and publish data on Hispanics, but the task is a continuous one. For example, the U.S. Bureau of the Census (Department of Commerce) in its Current Population Reports, Series P-20, No. 354, Persons of Spanish Origin in the United States: March 1979 show considerable variation among Hispanic subpopulations within the demographic categories of age, income, residence, sex, occupation, marital status, and years of education completed. As to illegal aliens, 2/ GAO has released a report on this segment of the Hispanic population.

1/ Many definitions have been used by the Census to identify Spanish-Americans. This report uses "Hispanic" and "Spanish origin" inter-changeably. Other Bureau of the Census categories have been Spanish-speaking, Spanish-surname, and Spanish Heritage. For 1980, the Census Bureau used Spanish/Hispanic origin to identify Spanish-Americans.

2/ This thorny issue is not treated in this report although it is one of great magnitude and one that impinges on and aggravates those issues that are discussed. The GAO report is entitled, "Illegal Aliens: Estimating Their Impact on the United States" (PAD-80-22) March 1980.

Education data on Hispanics are more plentiful than in other issue areas. In part this may result from attention that has been given to bilingual education. The U.S. Department of Education has recently released a report entitled, The Condition of Education for Hispanic Americans. This report provides a national profile of both the problems and educational attainment of Hispanic students.

Employment data on Hispanics are available from the Department of Labor, Bureau of Labor Statistics (BLS); consistent data on Hispanic unemployment were not collected until 1973. Presently, BLS provides comprehensive data on Hispanics unemployment, and it is published monthly in the Employment Situation Press Release according to Harvel Hamel, economist, BLS.

Some preliminary reports have been issued about health data on Hispanics, but final reports have not yet been completed. The U.S. Department of Health and Human Services, National Center for Health Statistics, sponsored a Hispanic Health Services Research Conference in Albuquerque, New Mexico, September 5-7, 1979, in which the Director, Dorothy Rice, acknowledged the lack of data on the Hispanic population.

In her introductory presentation, she stated:

> We recognize that there is a lack of basic health information on this important population group. We face lots of problems but we have some solutions.
>
> We have identified several gaps in health information on the Hispanic population group, and they are serious. I would just like to emphasize a few of those gaps. First, there are no basic mortality data to measure the health status of this group. Infant death, life expectancy, and causes of death for Hispanics have not been available in the national vital statistics data from NCHS. Secondly, data on morbidity among Hispanics are very sketchy. Our morbidity data are derived from population samples that frequently are too small for descriptions and analysis of the health status of the Hispanic population. Thirdly, there are little data on health care utilization and health care finances. We actually know so little about the Hispanic use of medical services, of hospitalization, dental care, or about their health insurance coverage and expenditures for medical care. 3/

A similiar situation has existed with housing data on Hispanics.

Some data on Hispanic housing are collected through the Annual Housing Surveys, conducted by the U.S. Department of Housing and Urban Development

3/ National Center for Health Services Research. Hispanic Health Services Research. 1980. p. 9.

(HUD). (HUD) has also issued a pamphlet on the Hispanic population, How Well Are We Housed?, which summarizes the housing conditions of Hispanics. In addition, HUD has prepared a study entitled, Discrimination Against Chicanos in the Dallas Rental Housing Market. It shows that discriminatory behavior had been exhibited against Chicanos in the housing rental market. The National Hispanic Housing Coalition, a newly formed organization, is in the process of analyzing the housing conditions of Hispanics nationwide. However, they have experienced data availability problems in their assessments of Hispanic housing needs. They have prepared a paper in which they "identify issues and problems related to Hispanic housing and community development." 4/

What follows are summary highlights from the chapters in this report in which basic facts and findings are set forth.

EDUCATION

1. Hispanic students tend to lag behind the majority population in education.

2. In 1976, approximately 3 million Hispanic students were enrolled in elementary and secondary schools, representing approximately 6 percent of the public school enrollment. Of these students enrolled in elementary and secondary schools--Mexican-Americans and Puerto Ricans represented the largest percentage of the Hispanic subpopulations. Ninety percent of these students were enrolled in public elementary and secondary schools located in nine states.

3. Two major problems have been identified in educating Hispanics. They are access and achievement. These problems are viewed as interrelated.

4. The language barrier has been identified as a contributing factor in access to equal educational opportunity and instruction for Hispanic students. Hispanics are 80 percent of an estimated 3.5 million elementary and secondary school students who speak little or no English.

5. There are several schools of thought in how to appropriately educate Hispanic students. Some educators view "bilingual education" as the approach; other educators view English as a second language; and some view intensive English-only instruction as an effective approach.

6. Legislation, title VI of the Civil Rights Act and the Lau v. Nichols Supreme Court decision, all guarantee the right to an appropriate education for limited English proficient students.

4/ The National Hispanic Housing Coalition. Proposed National Hispanic Housing and Community Development Policy. 1980. 36 p.

7. Several studies have attempted to measure achievement levels of Hispanic students with limited-English proficiency.

8. Two specific factors affecting low educational attainment of Hispanic students, other than the non-language factor, are family income and parental education.

9. In the Lau v. Nichols case, in San Francisco, non-English speaking students (Chinese) brought a class action claiming that they were denied equal educational opportunity by the school administration's failure to provide adequate language instruction. On January 21, 1974, the Supreme Court reversed earlier decisions by the district and circuit courts and remanded the case for relief under title VI of the Civil Rights Act.

10. Lau set a precedent for educational programs to meet the special needs of non-English proficient children.

11. Since the Lau decision, several lower Federal courts have sought to apply the Supreme Court ruling in Lau under both title VI and the Equal Protection Clause of the 14th Amendment to the Constitution.

EMPLOYMENT

1. Written information is scarce on labor force participation by Hispanics, although one out of every eighteen persons employed in 1981 was of Hispanic origin.

2. Hispanics participate in the labor force at a rate similiar to that of all workers. However, significant differences are noted when data are broken down by various age-sex groups. Additional differences are apparent when these data are categorized by Hispanic subpopulations.

3. From 1973 to 1981 there was a substantial increase in labor force participation of adult Hispanic women due to an increase in the female Hispanic working age population because of ongoing migration.

4. From 1973 to 1981, Hispanics have accounted for a numerically disproportionate share of U.S. unemployment.

5. Although Hispanics improved their occupational standing in the U.S. labor market from 1973 to 1981, they are still concentrated in occupations that are characterized by low pay and low skill requirements, much more than the overall workforce.

6. A major employment problem of Hispanic workers seemed to be connected with their low educational attainment.

7. Hispanic teenagers were unemployed, in 1981, primarily because they were unsuccessful as new entrants and re-entrants into the labor market.

8. Title VII cases based on national origin have been categorized under a variety of names ie., Mexican-Americans, Puerto Rican, Spanish-surnamed persons, and others. These cases have been included together with racial minority plaintiffs.

9. Minimum height and to a lesser degree minimum weight standards tend to exclude a disproportionate number of Mexican-Americans and other Hispanics from some forms of employment. The mimumum height standard has been connected mostly with police and firefighters' requirements. The leading case striking down a height requirement as discriminatory against Mexican-Americans is Davis v. County of Los Angeles.

HEALTH

1. Comprehensive, nationwide health data on Hispanics do not yet exist. Data for some localities and States, however, do exist.

2. While existing data suggest that health problems and health care differ to some degree between Hispanics and "other whites," Hispanics tend to have health-problem incidence and health-care practices similar to, sometimes better than, those of "other whites." One study shows that perception of health and age/sex, rather than ethnicity are more important in predicting one's health status.

3. A study 5/ of Mexican-Americans in South Texas indicates that they die more often from infections, parasitic diseases, accidents, and homicides than do whites. Puerto Ricans in New York City have higher mortality rates than other New York City residents from cirrhosis and accidents and, for those 44 and under, from drug dependency and homicides.

4. Hispanic use of doctors and medical facilities approximates that of whites except for dentists, where their rate often is much lower.

5. There is a paucity of case law or Federal regulatory decisions regarding discrimination against Hispanics in access to or provision of health care.

5/ See Chapter 7.

HOUSING

1. Hispanics are an urbanized population; 84 percent live standard metropolitan areas (SMSA'S) as compared to 68 percent of the general population.

2. Hispanics are more likely to be renters, more likely to live in inferior quality structures, and more likely to live in overcrowded conditions.

3. There are noticeable differences in housing characteristics among the Hispanic subpopulations. Cubans are the best housed and Puerto Ricans are the worst housed while the housing conditions for Mexican-American fall between.

4. Home-ownership among the Hispanic population is low compared to the total population.

5. Hispanics, as certain other minority groups, are faced with displacement and discrimination in the housing market.

CHAPTER 2

STATUS OF THE HISPANIC POPULATION IN THE UNITED STATES

by
Dorothy J. Bailey
Government Division

DEMOGRAPHIC PROFILE

Within in the last decade there has been an increase of the U.S. Hispanic population. "Hispanic" is an umbrella term used to encompass the subpopulations that include Mexican-Americans, Puerto Ricans, Cubans, South and Central Americans and other Spanish origin persons. This upsurge has led to speculation that Hispanics may be the Nation's largest minority group by the end of this century, outnumbering blacks. Contributing to this speculation is the high birth rate of Hispanics in proportion to blacks and the steadily increasing immigration rate for Hispanics. 1/

The 1980 Census shows that there are 14.6 million persons of Spanish origin in the U.S. 2/ This is 6.4 percent of the total population; this estimate does not include the more than 3 million residents of Puerto Rico. Of these 14.6 million persons, 8.7 million are of Mexican origin, 2.0 million are of Puerto Rican origin, 803,000 are of Cuban origin, and 3.1 million are of other Spanish origin (see table 1). Some Hispanics remain uncounted because an unknown percentage of this population falls into a group termed "undocumented" or "illegal." 3/ Numerous problems have been associated with estimating the

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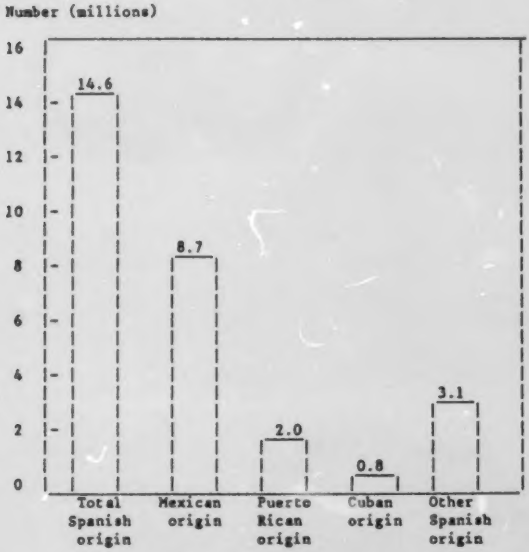
1/ Time, "It's your turn in the sun," October 16, 1978. v. 112 no. 16. p. 48.

2/ U.S. Department of Commerce Bureau of the Census. Supplementary Report. Persons of Spanish Origin by State: 1980. August 1982. PC80-S1-7.

3/ It's Your Turn in the Sun. Time. October 16, 1978. p. 48.

actual number of "illegal residents" 4/ within the United States; however, a cautious estimate of the number of illegal residents in 1978 is below 6 million. 5/ Depending on how many were included in the 1980 Census, the total number of Hispanics is somewhere between 15 and 21 million.

TABLE 1. Number of Persons of Spanish Origin, by Type of Spanish Origin: August 1982



Hispanics are a multi-racial and multi-cultural population; racially, they are white, black, Indian, and a mixture of these races. "They may be European Spanish, a Carribean mixture of Spanish and black, or a Spanish Indian

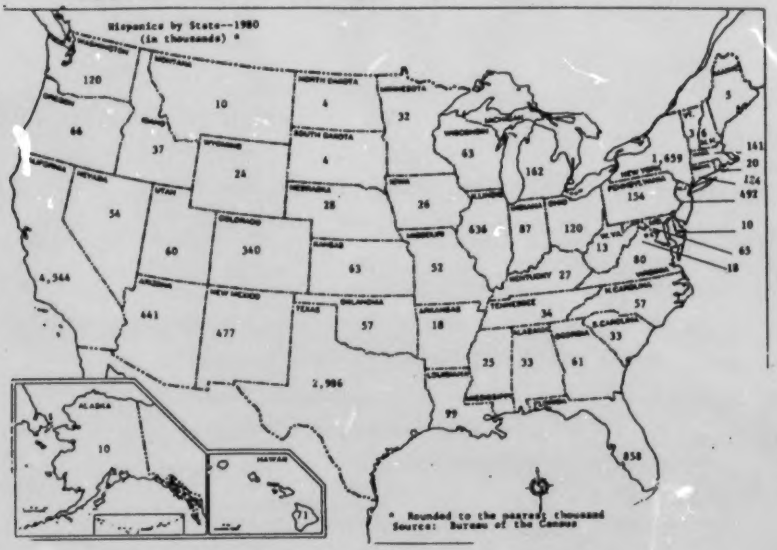
4/ The term "illegal resident is used here to denote persons who would be considered residents of the United States for purposes of Census enumeration but who are deportable because they violate the statutes regarding entry to the United States or because they violate the term of their admission after being admitted legally. The term encompasses, therefore, those who "entered without inspection," "visa abusers" or "overstayers," and "fraudulent entrants." These groups as a whole have been described variously by the terms "illegal aliens," "illegal migrants," "undocumented workers," "deportable aliens," etc.

5/ U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Energy, Nuclear Proliferation and Federal Services. 1980 Census: Counting Illegal Aliens. Hearings 96th Congress 2nd session, on S. 2366. Washington, U.S. Govt. Print. Off., 1980. p. 254.

mestizo". 6/ Culturally they are united by language and religion; many Hispanics practice Roman Catholicism. 7/ Although Hispanics share many commonalities as a population, they also exhibit differences as subpopulations.

Regional Distribution

While Hispanics live primarily in 11 States throughout the United States, the majority of the 8.8 million Spanish origin persons, predominately Mexican-Americans [7.2 million], are concentrated in the five Southwestern States of Arizona, California, Colorado, New Mexico, and Texas. In 1980, 4.5 million Spanish-origin persons were located in California alone. The second largest concentration of Spanish-origin persons (3.0 million) is in Texas. There are 1.7 million Spanish-origin persons (primarily [60 percent] Puerto Ricans) living in New York State, while the 803,000 Cuban persons are concentrated (59 percent) in the State of Florida. Central and South Americans and other Spanish origin individuals are spread throughout the United States 8/ (see map below for 1980 distribution). Not only are differences evident in regional distribution, these subpopulations also differ with respect to age, income, and family status.



Age

According to the Census Bureau report, the Hispanic population tends to be a young population compared to the non-Spanish population. The Bureau reported that about 1 of every 8 persons of Spanish origin is under 5 years old as compared to about 1 of every 14 non-Spanish persons. In 1979 the median age for the total population was 30 years compared to 22 years for the Spanish-origin population. Puerto Ricans were the youngest, with a median age of 20 years, followed by Mexican-Americans, with a median age of 21 years. Next were Other Spanish with a median age of 24 years. Central and South Americans were second to the oldest sub-population, with a median age of 26 years, and Cubans were the oldest with a median age of 36 years. 9/

Income

In 1978 the median income of Spanish-origin families was $12,600 a year, figure below the national average of $17,900 for families of non-Spanish origin. Fourteen percent of Spanish-origin families had incomes of $25,000 or more per year as compared to 29 percent of non-Spanish families in that category. 10/

The Hispanic subpopulations differ in median family income levels. Among the subpopulations in 1978, Puerto Ricans had the lowest median family income, $8,300, Mexican families had a median income of $12,800; Cuban families had the highest median family income of $15,300, the Central and South American families had a median income of $12,300. 11/

The Census Bureau reported that in 1978 husband-wife Spanish-origin families had higher median incomes ($14,000) than Spanish-origin families maintained by women (present $5,600). Only 9 percent of Spanish-origin families maintained by women had a median income of $16,000 or more as compared to 45 percent of Spanish-origin husband-wife families.

6/ Hispanic Americans—A Profile. GAO Review/Summer 1980. p. 49.

7/ It's Your Turn in the Sun. Time. October 16, 1978. p. 48.

8/ U.S. Department of Commerce, Bureau of the Census. Supplementary Report. Persons of Spanish Origin by State: 1980. August 1982, PC80-S1-7.

9/ Ibid. p. 1-3.

10/ Ibid. p. 14-15.

11/ Ibid.

In 1978, 20 percent of all Spanish-origin families in the Nation, or 559,000 Spanish-origin families, were living below the poverty level. Fifty-three percent of the Spanish-origin families below the poverty level were headed by Spanish-origin females. This percentage is significantly high when compared to 12 percent of Spanish-origin husband-wife families below the poverty level. 12/

In 1979, approximately 2.7 million Spanish-origin families were in the United States. About 2.1 million were husband-wife families, and 540,000 families, or 1 out of 5, were headed by Spanish-origin woman with no husband in the household. 13/

According to the Census Bureau, the percentage of Spanish-origin women who maintained households varied within each subpopulation. For example, in 1979, approximately 40 percent of all Puerto Rican families were maintained by women compared to 15 percent of Mexican families, and 17 percent of Other Spanish-origin families.

Spanish-origin families are slightly larger on the average than non-Spanish families. The average number of persons in a family maintained by a person of Spanish origin was 4 in contrast to 3 persons for non-Spanish families. Fifty-two percent of all Spanish-origin families in the United States had four or more persons. 14/

Differences are evident in average family size by subpopulation. For example, Mexican-origin families on the average are the largest with 4.07 persons per family; Puerto Rican families are the second largest with 3.67; Other Spanish-origin families, smallest with 3.37 per family; and Cuban families are the second smallest with 3.58. 15/

Spanish-origin families are more concentrated in metropolitan areas of the United States than non-Spanish families. In 1979, approximately 85 percent of Spanish-origin families lived in cities as compared to 66 percent of other families in the U.S. 16/

According to the Census Bureau, 96 percent of Puerto Rican-origin families were metropolitan dwellers in 19[illegible] as compared to 80 percent of Mexican families.

12/ Ibid. p. 16.

13/ Ibid. p. 12.

14/ Ibid. p. 12.

15/ Ibid.

16/ Ibid.

CHAPTER 3

EDUCATION OF HISPANICS: ACCESS AND ACHIEVEMENT

by
Susan N. Boren
Education and Public Welfare Division

According to the 1980 Census there are 14.6 million Hispanics in the United States. 1/ Compared to the majority of the population, Hispanics are, on the whole, younger, lower paid, more urban, and concentrated in only a few States. The Hispanic population in the United States is growing approximately six times faster than the majority of the population. Between 1970 and 1980, the total U.S. population increased 11 percent, whereas the Hispanic population increased 61 percent.

Hispanics tend to lag behind the majority of the population not only in employment and income, but also in education. As their relative proportion of the population grows, it is probable that concern about the problems of Hispanics and their educational status will increase.

This section discusses briefly various aspects of education for Hispanics; gives a statistical profile of the Hispanic student population in elementary, secondary, and postsecondary education; and looks into two problems in educating Hispanics: access and achievement. The two problems are interrelated. Some educators assert that because access to equal educational opportunity has not been fully realized, it follows that achievement is lower than the norm.

STATISTICAL PROFILE OF THE HISPANIC STUDENT POPULATION

Elementary and Secondary Education

School Enrollment--According to the Elementary and Secondary School Civil Rights Survey, conducted by the U.S. Department of Education's Office for Civil

1/ U.S. Bureau of Census. PC80-S1-1. 1980 Census of Population: Age, Sex, Race, and Spanish origin of the Population by Regions, Divisions, and States: 1980.

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Rights (OCR) in 1976, approximately 2.9 million Hispanics were enrolled in public elementary and secondary schools, representing approximately 6 percent of the public school enrollment. The 1980 Census updates the Civil Rights Survey in the following table:

TABLE 1. Private and Public Elementary and Secondary School Enrollment by Race and Spanish Origin: 1976 to 1979

		Elementary and Secondary Schools (Nos. in thousands)			
		Total enrolled	Public	Private number	Percent
1979	All races	42,981	38,750	4,231	9.8%
	Spanish origin	2,854	2,620	234	8.2
1978	All races	43,965	39,483	4,482	10.2
	Spanish origin	2,761	2,529	231	8.4
1977	All races	44,987	40,488	4,499	10.0
	Spanish origin	2,802	2,490	312	11.1
1976	All races	45,516	41,239	4,276	9.4
	Spanish origin	2,866	2,635	230	8.0

Source: Private School Enrollment, Tuition, and Enrollment Trends: Oct. 1979. Bureau of the Census, Sept. 1982. Table 1, p. 15.

Private and Public Elementary and High School Enrollment

A recent report by Department of Education's National Center for Education Statistics (NCES), entitled the Condition of Education for Hispanic Americans (1980), indicates that of the total eligible Hispanic population 56.7 percent were enrolled in school as compared to 64.6 percent of the non-minority student population.

In proportion to the overall Hispanic population participating in elementary and secondary education, Puerto Ricans represent 15 percent, Cubans and South Americans represent 5 percent, but the largest block is Mexican-American, 63 percent. (See the following table.)

TABLE 2. Percentage and Distribution of All Hispanic Elementary and Secondary Students by Subgroup

Total Hispanics*	3,025,000	100%
Mexican Americans	1,901,000	63
Puerto Ricans	446,000	15
Cubans	164,000	5
Central and South Americans	166,000	5
Other Hispanics	347,000	11

*Total number of Hispanics here includes students in both public and private elementary and secondary schools.

Source: Bureau of the Census. Survey of Income and Education. Spring, 1976.

(Note: This is the most recent table of its kind. The 1980 Census does not have this distribution currently in tabular form.)

Geographic Location of Hispanic Students

Approximately 90 percent of the Hispanic children enrolled in public elementary and secondary schools are located in 9 States--California, Texas, New York, New Mexico, Illinois, Arizona, Florida, New Jersey, and Colorado, in that order--and 3 of these States--California, Texas and New York--have the majority of the Hispanic student population.

STATISTICAL PROFILE OF THE POSTSECONDARY HISPANIC STUDENT POPULATION

Postsecondary Education Enrollment

As in elementary and secondary education, Hispanics differed from the majority of the U.S. population in their rate of participation in postsecondary education and in their level of educational achievement.

According to National Center for Education Statistics (NCES), the trend in total college enrollment shows increases from 10.2 million in 1974, to 12 million students in 1980. It is true that in the decade of the 1970s Hispanics increased their participation in higher education but their participation rates are still below those of other population groups in undergraduate, graduate and professional programs. In postsecondary education

Hispanics were enrolled primarily in 2-year colleges and adult basic and secondary education, and largely under-enrolled in 4-year undergraduate education, graduate, and first professional degree programs. Of all undergraduates, Hispanics represent only 4 percent of the total enrollment as compared to their 5.6 percent share of the Nation's total population. Not only are Hispanic college enrollment rates relatively low, their representation among degree recipients is even lower, as they earned 2 percent or less of the bachelor and graduate degrees awarded in 1976-77, according to NCES.

TABLE 3. Total Enrollment 1/ in Institutions of Higher Education, by Racial/Ethnic Category and by Type and Control of Institution: United States, Fall 1980

Type and control of institution	Total enrollment	Racial/ethnic category					Nonresident alien
		American Indian/ Alaskan Native	Asian or Pacific Islander	Black, non-Hispanic	Hispanic	White, non-Hispanic	
1	2	3	4	5	6	7	8
All institutions	12,087,625	85,798	286,408	1,106,445	471,686	9,831,493	305,795
Universities	2,902,014	14,157	68,280	156,955	61,582	2,482,556	118,484
Other 4-year institutions	4,664,204	24,647	93,779	477,039	155,020	3,790,487	123,252
2-year institutions	4,521,407	46,994	124,349	472,451	255,084	3,558,470	64,059
Public institutions	9,456,423	74,224	239,710	878,070	406,150	7,656,094	204,175
Universities	2,154,283	10,121	48,782	110,533	41,220	1,868,896	76,731
Other 4-year institutions	2,973,358	18,921	68,393	327,644	115,174	2,376,121	67,105
2-year institutions	4,328,782	45,182	122,535	437,893	249,756	3,413,077	60,339
Private institutions	2,631,202	11,574	46,698	230,375	65,536	2,175,399	101,620
Universities	747,731	4,036	19,498	46,422	20,362	615,660	41,753
Other 4-year institutions	1,690,846	5,726	25,386	149,395	39,846	1,414,348	56,147
2-year institutions	192,625	1,812	1,814	34,558	5,328	145,393	3,720

[1] Excludes those students whose racial/ethnic category was not reported.

SOURCE: U.S. Department of Education, National Center for Education Statistics, unpublished data from the survey of *Fall Enrollment in Higher Education, 1980*

Language Characteristics

According to NCES, the Hispanic population retains its native language to a greater degree than other ethnic minorities. Approximately 85 percent of the Hispanics live in households in which Spanish is spoken as the usual household language. Of the total 1976 school age population (ages 4 to 25), 12.8 percent were from households where a language other than English was either the usual or second language.

PROBLEMS IN THE EDUCATION OF HISPANICS

Access

Some educators assert that access to equal educational opportunity and appropriate instruction is a central problem when discussing education for

Hispanics. Part of the problem of access results from the language barrier. It is estimated that approximately 3.5 million elementary and secondary school students have limited English proficiency, and 80 percent of these are Hispanics. Because some Hispanic children cannot function adequately in an English-speaking classroom, they cannot take full advantage of an education appropriate to their needs. For some educators, appropriate education for Hispanics implies "bilingual education." The term, "bilingual education" is defined in the Bilingual Education Act as an instructional program designed for students of limited English speaking ability in elementary or secondary schools where instruction is given in English and to the extent necessary in the native or dominant language in order for the student to progress effectively through the educational system. In the view of some educators an effective alternative program to bilingual education is English as a second language or intensive English-only instruction. Both title VI of the Civil Rights Act and the Lau v. Nichols Supreme Court decision guarantee the rights to an appropriate education for limited English proficient children and help to ensure access to an appropriate education.

Lau v. Nichols

The Lau v. Nichols case, although not originally involving Hispanics, set a precedent for educational programs to meet the special language needs of non-English proficient children. On January 21, 1974, the Supreme Court reversed earlier district court and appeals court decisions and remanded the case back for relief under title VI, stating that the failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English or to provide them with other adequate instruction procedures denies them a meaningful opportunity to participate in public education programs and thus violated section 601 of the Civil Rights Act of 1964 (which bars discrimination based on the grounds of race, color, or national origin in any program or activity receiving Federal financial assistance).

At the time of the appeals court decision on the Lau v. Nichols case, Judge Hufstedler, later Secretary of Education, filed a dissenting opinion, reiterating how the non-English-speaking children have often been denied access.

> Access to education offered by public schools is completely foreclosed to these children who cannot comprehend any of it . . . the language barrier which the State helps to maintain insulates the children from their classmates as effectively as any physical bulwarks. Indeed, these children are more isolated from equal educational opportunity than were those physically segregated blacks in Brown; these children cannot communicate at all with their classmates or their teachers.

The Language Barrier

Due in part to the language barrier, Hispanics face a hurdle to an appropriate education. Approximately 80 percent of the students enrolled in bilingual programs are Hispanics, and less than half of the total number of limited English-speaking children are estimated to be served by bilingual, English as a second language (ESL) or other special language programs. According to NCES, in 1976 the estimated total number of limited English-speaking and non-English-speaking elementary and secondary school students in the U.S. was 765,747, and of that number only 49 percent were served. In those States with the largest populations of such pupils, the proportion of such children served by special language programs ranged from 40 percent (Texas) to 62 percent (California) and 63 percent (Florida). (See table 4) The term access to education for Hispanics implies that an appropriate mode of instruction should be used. However, the proper technique for educating Hispanics is currently a subject of great debate—whether or not non-English-speaking children should be taught subjects in their native language while learning English versus total immersion in English. The proposed Lau regulations issued by the Office for Civil Rights in the Department of Education designed to implement the Lau v. Nichols decision have caused great controversy because they have been accused of "dictating" a specific (the bilingual) method of instruction. Some educators believe that limited English-proficient children are more likely to achieve in school and in later life if they are brought into the regular English-speaking classrooms as quickly and completely as possible. According to a Gallup Poll published in Phi Delta Kappan (September 1980), 82 percent of the public felt that children of families from other countries who cannot speak English should be required to learn English in special classes before enrolling in regular public schools.

TABLE 4. Percentages of Hispanic Elementary and Secondary Students With Limited English Speaking Skills Who Were Enrolled in English As a Second Language or Bilingual Education Programs By State: 1976

State	No. identified as LES/NES	Percent served
Total U.S.	765,747	49
Alabama	90	23
Alaska	80	60
Arizona	20,172	40
Arkansas	93	6
California	161,676	82
Colorado	4,580	44
Connecticut	9,800	43
Delaware	632	41
District of Columbia	673	44
Florida	24,926	43
Georgia	530	25
Hawaii	0	0
Idaho	1,785	22
Illinois	8,609	38
Indiana	3,362	25
Iowa	447	36
Kansas	1,144	33
Kentucky	67	34
Louisiana	2,540	32
Maine	35	3
Maryland	905	86
Massachusetts	11,769	53
Michigan	6,222	36
Minnesota	490	23
Mississippi	41	31
Missouri	282	2
Montana	50	4
Nebraska	843	10
Nevada	644	33
New Hampshire	90	30
New Jersey	42,649	47
New Mexico	74,827	39
New York	136,252	33
North Carolina	189	4
North Dakota	78	17
Ohio	2,736	33
Oklahoma	1,617	30
Oregon	2,186	28
Pennsylvania	6,256	41
Rhode Island	1,120	68
South Carolina	118	14
South Dakota	326	4
Tennessee	108	20
Texas	273,880	40
Utah	1,998	14
Vermont	3	0
Virginia	2,292	32
Washington	4,511	36
West Virginia	24	13
Wisconsin	3,548	28
Wyoming	484	20

SOURCE: National Center for Education Statistics. Condition of Education of Hispanic Americans. July 1980, p. 56.

Programs Designed to Improve Access—Bilingual Education Act

One program designed to help improve access to education for Hispanics and other limited English-proficient students is the Bilingual Education Act (title VII, Elementary and Secondary Education Act (ESEA)). Since its enactment in 1968, the program has had as its goal the provision of equal

educational opportunity for children of limited English-speaking ability, including Hispanics. To achieve this goal the program provides assistance as follows:

(1) for establishing elementary and secondary programs of bilingual education;

(2) for establishing training programs to increase the number and quality of bilingual education personnel;

(3) for developing and disseminating bilingual instruction materials; and

(4) for coordinating programs of bilingual education.

The bilingual education program awards discretionary grants on a competitive basis to local education agencies and institutions of higher education, and gives contracts to State educational agencies. The FY 1980 appropriation for title VII is $166,963,000 which includes grants to school districts, training grants, support services and bilingual desegregation grants.

The Bilingual Education Act was originally enacted without the benefit of prior substantial evaluation of the effectiveness of this educational strategy. One source indicated that when the Bilingual Education Act was launched in 1968--

> It was not unlike the moon landing program or Federal efforts in public health, undertaken largely as an act of faith, with little research to support it beyond the prior declaration of a number of linguists and language teaching specialists at a UNESCO conference in 1951.
>
> Source: Research Evidence for the Effectiveness of Bilingual Education. Rudolph Troike. Center for Applied Linguistics, National Clearinghouse for Bilingual Education, 1978.

However, the lack of such an initial foundation is not unique to this program. Federal commitment to this program, in terms of appropriations provided, was rather low in its early years (the FY 1969 first year of funding appropriation was $7,500,000).

Evaluation of the Effectiveness of Title VII, ESEA

If title VII of ESEA is effective as a tool for providing equal access to educational opportunity, then program results should reflect that success. The most widely known evaluation of the Federal bilingual education program, completed in 1977 by the American Institutes for Research (Evaluation of the

Impact of ESEA Title VII, Spanish/English Bilingual Education Program) had as its purpose to determine the impact of bilingual education on students in Spanish/English bilingual projects funded through title VII, of ESEA.

The Center for Applied Linguistics surveyed the AIR report and over 150 other evaluation reports on bilingual education as part of its work in developing a master plan for California schools to comply with the Lau v. Nichols decision. The Center for Applied Linguistics found that only seven evaluations met minimal criteria for acceptability and contained usable information. Although the AIR evaluation report met minimal criteria, the Center faulted the AIR report for some of its inadequacies. The AIR evaluation had primarily negative reports on the effectiveness of the title VII program. Educators agreed that these findings (i.e., that title VII did not improve achievement) should not be overlooked.

State Efforts to Improve Access to Education for Hispanics

Some States are making an effort to improve access to education for Hispanics. The number of State programs for bilingual education has increased gradually over the years. A study by Development Associates (A Study of State Programs in Bilingual Education, 1977) indicated that local education agencies (LEAs) in 40 States mandated the implementation of bilingual education programs, a considerable increase from 1968 when LEAs in 20 States were actually prohibited from establishing bilingual education programs. During 1976, 16 of the 50 States had some form of operating bilingual instruction supported with State appropriations.

State Appropriations.

As of FY 1980, the Federal program, title VII of ESEA, contracted with 46 State educational agencies to provide technical assistance for bilingual programs. In addition, title VII of ESEA provided 625 bilingual project grants to local school districts to serve 340,000 students. The fact that 46 States are involved implies that a large majority of the States are attempting to establish at least limited bilingual programs.

ACHIEVEMENT

According to Dr. Calvin Veltman (who recently did a study for NCES on the educational attainments of Hispanic-American children), the primary problem in education for Hispanics is achievement. He states, however, that before achievement can be improved, access to an appropriate program of instruction must occur. Several studies have attempted to measure achievement of Hispanics or for limited English-proficient students.

National Assessment of Educational Progress (NAEP) Study

From fall 1971 to spring 1975 the National Assessment of Education Progress (NAEP) 2/ collected data on achievement of Hispanics and non-minorities in five subject areas. As can be seen from t ble 5, Hispanic students were significantly below the national average for the three age levels (age 9, 13, and 17) with respect to each of the subject areas.
At age 9 (see table 5) Hispanics were 9 to 14 points below the national average. At age 13 Hispanics were 10 to 12 points below the national average; and at age 17 they were 7 to 14 points below the national average. The poorest showing was by 17-year olds in mathematics where they were 14 percentage points below the national average. Scores for Hispanics (relative to those of other ethnic groups) generally decreased with increased age, except in the case of career and occupational development courses.

Since 1975 some additional data has been collected by NAEP which revealed some small improvements in achievement of Hispanics in the subject areas of science and mathematics. In the latest data collected by NAEP, Hispanic students continued to trail the national average although a small but statistically significant improvement was made by 17-year-olds in science.

American Institutes for Research (AIR) Report

The American Institutes for Research (AIR) evaluation mentioned earlier

2/ The National Assessment of Educational Progress is an ongoing survey conducted by the Education Commission of the States, under contract to the National Institute of Education.

of impact of the ESEA Title VII--Spanish/English Bilingual Education Program. After studying 11,500 students over a 2-year period, the AIR evaluation found that students in bilingual programs did no better at learning English or any other subject than non-English-speaking students placed in regular classes. In general and across grades, when the two groups of limited English-proficient students were compared, title VII students in the study were performing in English worse than the non-title VII students. In math, title VII students were found to be performing at about the same level as the non-title VII limited English-proficient students. 3/

3/ Source: AIR. Evaluation of the Impact of ESEA Title VII--Spanish/English Bilingual Education Program Overview of Study and Findings.

TABLE 5. Achievement in Five Subject Matter Areas for Hispanics and Non-Minority Students 9, 13, and 17 Years Old 1971-1975

Subject matter and ethnic group	Percentage point difference from the national average		
	Age 9	Age 13	Age 17
Social Studies			
Hispanics	-10.59	-10.05	-13.12
Non-minority	2.73	2.07	2.39
Science			
Hispanics	-9.53	-11.55	-11.08
Non-minority	3.12	3.49	2.13
Mathematics			
Hispanics	-7.77	-11.71	-14.36
Non-minority	2.76	3.74	3.63
Career and occupational development			
Hispanics	-14.08	-12.44	-7.65
Non-minority	3.23	3.50	2.19
Reading			
Hispanics	-10.77	-11.25	-11.42
Non-minority	2.54	2.73	2.78

Note: All of the differences from the national norm in this table are statistically significant at the .05 level--i.e., the differences are of such magnitude that they would be found in fewer than 5 percent of sample populations (as were used for the NAEP) if there were no consistent differences in scores for the total Hispanic versus non-Hispanic populations.

Source: National Center for Education Statistics. Condition of Education for Hispanic Americans. July 1980, p. 222.

The Children's English and Services Study

According to the Children's English and Services Study, conducted under contract from National Institute of Education, June 1979, more Hispanics aged 5 to 14 years were limited English-proficient than children of the same age living in households where other non-English languages were spoken. The Children's English and Services Study revealed that an estimated 2.4 million children with limited English language proficiency aged 5 to 14 were living in the U.S. in spring 1978. In addition, there were estimated to be an additional 1.2 million limited English-speaking children older or younger than 5 to 14 who were also of school age, making the grand total of 3.6 million children. The percentage of limited English-proficient children among all children living in households where a language other than English is spoken did not vary much by age. The percentages as follows are for various age groups, for all languages combined--

Table 6. Proportion of Children Living in Families Where the Predominant Language Spoken at Home Is Not English Who Are Limited English-Proficient, by Age Group, 1978

5-6 year olds	67% limited in English
7-8 year olds	68% limited in English
9-11 year olds	59% limited in English
12-14 year olds	61% limited in English

Grade Level

One measure of achievement is whether or not children are enrolled at or below the expected grade level for their age groups. The Census Bureau found that in 1976, at each age level, there was a larger percentage of Hispanic children enrolled below grade level than non-minority children. Approximately 10 percent of the 8 to 13 year olds and about 25 percent of the 14 to 20 year old Hispanics were enrolled below expected grade level.

Limited English Proficiency

According to the National Center for Education Statistics, four out of five Hispanics live in households where Spanish was spoken either sometimes

or usually. Among Hispanic children age 8 to 13 who live in homes where a language other than English was spoken, one tenth were enrolled below the expected grade level for their age. This disadvantage increased for 14 to 20 year olds, where one out of four was behind in school. However, one may not conclude from available information that the use of a language other than English in the home is a primary cause of educational disadvantage. One should be aware that 13 percent of Hispanics age 14 to 20 who lived in homes where only English was spoken were also enrolled below the expected grade level. There are other causes for low achievement, primary among which are low income or limited educational aspiration levels.

Dr. Calvin Veltman, in his recent study done for the National Center for Education Statistics (using the Census Bureau's 1976 Survey of Income and Education), purports to show that children who speak both English and Spanish do better in school than those who speak only English. Veltman's conclusion appears to support bilingualism.

Retention Rate

According to the Condition of Education, 1979 approximately 40 percent of the Hispanic population between the ages of 18 and 24 left high school

TABLE 7. Percent of Hispanic and White Students Aged 8-20 Enrolled Two Years or More Below Expected Grade Level, By Subgroup: Spring 1976

Race/Ethnic group	Percent enrolled below expected grade level	
	8-13 years old	14-20 years old
White, non-Hispanic	5%	9%
Hispanic	9	24
Mexican American	9	23
Puerto Rican	8	24
Cuban	*	*
Central or South American	*	*
Other Hispanic	*	19

* Percent not shown where estimate is fewer than 20,000. A person below grade level is defined as 8 years old or older and enrolled in the first grade, 9 years old or older and enrolled in the second grade, etc. Also included were 20-year olds who were enrolled in the first year of college.

Source: Bureau of the Census. Survey of Income and Education. Spring, 1976.

without a diploma as compared to 14 percent of the non-minority population. Language appears to be one of the factors related to the dropout rate in high school. Hispanics aged 14 to 30 with non-English language background drop out of school 2-1/2 times as often as non-minority with non-English background. However, Hispanics who were brought up in homes where only English was spoken had participation rates similar to non-minorities. This does not necessarily imply that background in a language other than English is the specific or sole cause of high non-completion rates. Rather, it indicates that a non-English background may relate to degree of assimilation, facility in English, or to socioeconomic conditions impacting on the likelihood of completing school.

TABLE 8. Persons Not Enrolled in School and Non-High School Graduates by Age, Racial/Ethnic Groups and Sex 1977

	Percent of population, not enrolled in school and not high school graduates			
	Total 16 to 24 year old	16 and 17	18 and 19	20 to 24
White male	13.9%	8.6%	17.0%	14.9%
White female	12.8	9.1	14.8	13.5
Black male	19.4	6.9	23.8	24.3
Black female	20.0	8.4	20.3	25.1
Hispanic origin male	31.5	9.9	33.7	41.7
Hispanic origin female	34.2	20.9	31.8	41.2

Source: Bureau of the Census. School Enrollment. Social and Economic Characteristic of Students, table appearing in Condition of Education, 1979 (table 3.5)

ACHIEVEMENT

Some Conclusions

Low educational achievement for Hispanics could be accounted for by two non-language specific factors in particular—family income and parental edution. According to the Condition of Education, 1980 the higher the family income, the less likely that children will be behind in school. According to an NAEP study, families below the poverty line, which included approximately 21 percent of Hispanic families in 1977 (in contrast to 8 percent of non-Hispanic families) were more likely to have children enrolled below grade level than were families above the poverty line.

Educational attainment of parents could also be a factor in low achievement for Hispanics. Because the educational attainment level of Hispanic adults was lower than that of the total population, it follows that the achievement of Hispanic children in school might also be lower. The higher the educational attainment level of parents, the less likely the child will be a low achiever.

In conclusion, there is no final best method of instruction which will assure increases in achievement levels for Hispanics. Nor can firm conclusions be reached regarding the extent to which the educational problems of Hispanics result from limited English-proficiency, as opposed to other, non-language specific factors (primarily those described earlier). It appears, however, that special programs to meet the specific language needs of Hispanic pupils, whether of the bilingual or intensive English language instruction variety, may be helpful in providing meaningful access to educational programs and services to Hispanic children. By broadening access can achievement and participation rates may be raised. However, full parity with the non-Hispanic population in education participation and achievement also almost undoubtedly depends on the success of efforts to improve the socioeconomic conditions of life for Hispanic-Americans--efforts which, whether private or governmental, take place primarily outside of the educational system and will take some considerable time and resources to accomplish.

CHAPTER 4

EQUAL EDUCATIONAL OPPORTUNITY FOR HISPANIC SCHOOL CHILDREN-- THE RIGHT TO BILINGUAL/BICULTURAL EDUCATION

by
Charles V. Dale
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Millions of ethnic minority students attending American public schools are hampered in their educational pursuits by an English language deficiency. Of the forty-nine million children compelled to attend our Nation's schools, approximately five million speak a principal language other than English. 1/ In addition, Hispanic-Americans constitute the largest such minority group and their numbers are growing. 2/ Congress recognized the special educational needs of these children in passing the Bilingual Education Act which grants financial assistance to local educational agencies to develop bilingual curricula, programs to familiarize ethnic minority children with their history and culture, and plans for closer cooperation between school and home. 3/ The implementing provisions of the Act depend upon voluntary governmental action, however, and unless the State legislature requires a local educational official to apply for these funds, private litigants cannot rely on this statute.

1/ W. Grant and C. Lind, Digest of Educational Statistics: 1977-78 (1978); Office of Education, U.S. Dept. of H.E.W., Draft: Five Year Plan 1972-77: Bilingual Education Programs, app. B, Aug. 24, 1971.

2/ See, Comment, The Constitutional Right of Bilingual Children to an Equal Educational Opportunity, 47 S. Cal. L. Rev. 943, 951, 1974.

3/ Title VII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 880b-880-5.

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In addition, prompted by the Supreme Court's 1974 ruling in Lau v. Nichols, 4/ the Federal courts in several cases have considered claims that the failure of local school districts to provide compensatory language instruction to non-English-speaking students is a violation of title VI of the 1964 Civil Rights Act, 5/ the Equal Education Opportunities Act of 1974, 6/ and the Equal Protection Clause. In Lau, non-English-speaking Chinese students alleged that teaching classes only in English effectively excluded them from an opportunity for a meaningful education. The Supreme Court agreed, ruling that title VI required some form of remedial language instruction, but left open the question of the type of program required by the 1964 Act. In the wake of Lau, a few courts have ordered the implementation of bilingual/bicultural programs to ease the difficulties of linguistically deficient students, while others have interpreted that decision to mandate deferral to local school board policies and programs designed to meet the special educational needs of such students. 7/ The remainder of this section will review the setting of Lau, the decision itself, and the subsequent judicial conflict of opinion as to the degree of judicial intervention necessary to assure the effective enforcement of these rights.

4/ 414 U.S. 563, 1974.

5/ 42 U.S.C. 2000d et. seq.

6/ 20 U.S.C. 1703(f).

7/ On August 5, 1980, the Department of Education (ED) issued proposed rules to implement title VI that would require recipients of Federal educational assistance, at the elementary and secondary level, to provide bilingual instruction, or other appropriate compensatory services, to "limited English-proficient" students whose primary language is other than English. See, 45 Fed. Reg. 52063 et. seq., Aug. 5, 1980. However, with its passage of H.J. Res. 644, continuing appropriations for fiscal year 1981, Congress effectively precluded ED enforcement of any final regulations regarding bilingual education until June, 1, 1981. See, P.L. 96-536, § 117, Dec. 16, 1980.

I

Title VI of the 1964 Civil Rights Act enacted a broad prohibition against discrimination in all federally assisted programs. Thus, section 601 of the Act provides that:

> No person in the United States shall, on the ground of race, color or natural origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. 8/

By section 602 of the Act, grantmaking agencies of the Federal Government, such as the Department of Education (ED), are specifically "directed" to "issue rules, regulations and orders" to insure that recipients of Federal aid under their jurisdiction conduct any federally financed projects in a manner consistent with section 601. 9/

Shortly after title VI became law, HEW issued regulations applicable to school districts and other recipients of Federal assistance administered by the Department. 10/ Thereafter, in 1968 HEW issued the first in a series of guidelines interpreting the Act and regulations to mean that federally assisted

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8/ 42 U.S.C. 2000d.

9/ In addition, ED, as successor to HEW in the field of education, is primarily responsible for administrative enforcement of title VI with respect to federally assisted local school districts. As such, it is charged with securing local compliance with title VI, and all applicable rules and regulations, by voluntary means, negotiation and the like, if at all possible. Where these efforts fail, however, ED is authorized to enforce compliance by terminating or refusing to grant or continue assistance, or "by any other means authorized by law," including referral to the Department of Justice for court enforcement. 42 U.S.C. 2000d-1.

10/ In those regulations, 45 C.F.R. § 80.3(b), HEW specified that recipients of Federal aid may not:

> (i) Deny an individual any service, financial aid, or other benefit under the program;

(continued)

"[s]chool systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system." 11/ Two years later, HEW published an interpretive memorandum specifically directed at language minorities, requiring school districts that are federally funded "to rectify the language deficiency in order to open" their instructional program to students with "linguistic deficiencies." 12/ Thus, under the 1970 HEW

(continued) (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject any individual to segregation or separate treatment in any manner related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

11/ 33 Fed. Reg. 4956.

12/ The 1970 memorandum addressed the needs of English language deficient students as follows:

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

It further specifies:

> Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track. 35 Fed. Reg. 11595.

memorandum, programs having the effect of excluding students because of linguisitic differences are violative of title VI and must be remedied by affirmative programs.

These regulations and interpretive guidelines bore substantially on the Supreme Court's reasoning in its 1974 ruling in Lau v. Nichols. 13/ In Lau, non-English-speaking students in San Francisco brought a class action claiming that the failure of the school administration to provide adequate supplemental language instruction denied them an equal educational opportunity in violation of title VI and the Equal Protection Clause of the U.S. Constitution. Of the 2,856 Chinese children in the school system, only about 1,000 were provided supplemental courses in English, while 1,800 received no special instruction. The stated policy of the California legislature at the time was to insure "the mastery of English by all pupils in the schools," and no student could receive a high school diploma unless he or she was proficient in English. 14/ No specific remedy was sought, only that the school board be required to act in some fashion to remedy the situation.

The district court denied relief, and the Court of Appeals for the Ninth Circuit affirmed, holding that there was no violation of the Equal Protection Clause or title VI. 15/ The Court of Appeals reasoned that:

13/ 414 U.S. 563, 1974.

14/ 414 U.S. at 565-66, quoting Cal. Educ. Code § 71 (1969).

15/ The title VI claim was dismissed in a footnote, the Ninth Circuit apparently viewing it as equivalent to the constitutional claim: "Our determination of the merits of the other claims of appellants will likewise dispose of the claims under the Civil Rights Act of 1964." 483 F. 2d at 794, n. 6.

> Every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system . . . 16/

Although some of these disadvantages might be overcome, because of the complex nature of educational policy in this area, the court concluded that the matter was best left to the discretion of local school officials.

In an opinion delivered by Justice Douglas, the Supreme Court reversed, without reaching the Equal Protection issue posed by the case, and remanded with direction to fashion appropriate relief under title VI. Interpreting the HEW regulations and guidelines to mean that "discrimination is barred which has the effect even though no purposeful design is present," Justice Douglas found that

> The Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program--all earmarks of the discrimination banned by the regulations. 17/

In view of the State-imposed standards mandating English as the basic language of instruction in the public schools, and English proficiency as a requirement for graduation, Justice Douglas concluded "there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education." 18/ Significantly, however, the Court did not prescribe any specific measures that must be taken to accommodate

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16/ 483 F. 2d at 797.

17/ 414 U.S. at 568.

18/ 414 U.S. at 566.

students with limited English proficiency, but left the matter of appropriate relief to local school officials.

> Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation. 19/

Although the majority opinion is silent on the question, Justice Blackmun, joined by the Chief Justice, in his concurring opinion and, perhaps to a lesser extent, the separate concurrence filed by Justice Stewart appear to suggest that, at least in the view of these three Justices, a critical consideration in the result reached was the relatively large number of non-English speaking students involved in Lau. Justice Blackmun stated the matter thusly:

> I merely wish to make plain that when, in another case we are confronted with a very few youngsters, or with just a single child who speaks German or Polish or Spanish or any other language than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly. 20/

Thus, it is not altogether certain that the Court would have reached the legal conclusion it did if the demonstrated need for supplemental services measured in terms of the number of non-English speaking students, had been significantly smaller than in Lau.

An important aspect of Lau was the Court's apparent conclusion that proof alone of discriminatory "effects," without regard to the intent behind a school board's policy respecting non-English-speaking students, is sufficient to establish a prima facie violation of title VI. A contrary implication may be

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19/ 414 U.S. at 565.

20/ 414 U.S. at 562.

drawn, however, from the Supreme Court's recent decision in the University of California Regents v. Bakke 21/ where five of the nine Justices explicitly held that, as applied to race discrimination cases, title VI is coextensive in scope with the Equal Protection Clause of the Fourteenth Amendment. Justice Powell's opinion in Bakke declared that "title VI must be held to proscribe only those racial classifications that would violate the Equal Protection Clause or the Fifth Amendment." 22/ Justice Marshall, joined by Justices White, Brennan, and Blackmun, though acknowledging the inconsistency of this postion with Lau, nevertheless concurred in the conclusion that the title VI standard is no broader than the Constitution. "We agree with Mr. Justice Powell that as applied to the cases before us, title VI goes no further in prohibiting the use of race than the Equal Protection Clause of the Fourteenth Amendment." 23/ The other four Justices expressed no opinion on the issue, 24/ and although the majority did not expressly overrule Lau, Bakke suggests that constitutional standards may be applicable to discrimination claims under title VI.

In this regard, the Supreme Court has recently held in a variety of contexts that, for purposes of analyzing the constitutionality of allegedly discriminatory conduct, the purpose or intent behind the law or governmental action, and not its effect on racial minorities, is controlling. Thus, in

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21/ 438 U.S. 265, 1978.

22/ 438 U.S. at 287.

23/ 438 U.S. at 352.

24/ 438 U.S. at 417-418. (Stevens, J., joined by Burger, Steward, Rehnquist, JJ.).

Washington v. Davis, 25/ the court refused to apply the Griggs "effects" test used in title VII cases to a public employment discrimination action brought under the Equal Protection Clause, stating:

> . . . We have not held that a law, neutral on its face and serving ends otherwise within the power of government to pursue, is invalid under the Equal Protection Clause simply because it may affect a greater proportion of one race than of another. Disproportionate impact is not irrelevant, but it is not the sole touchstone of an invidious racial discrimination forbidden by the Constitution. 26/

The Court applied the Davis rationale to an exclusionary zoning case in Village of Arlington Heights v. Metropolitan Housing Development Corp., 27/ holding that local officials' refusal to rezone to permit the construction of a proposed low and moderate income housing project was not unconstitutional since no "discriminatory purpose or intent" had been proven. Noting that any investigation into intent or purpose "demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available," the Court observed that while the "effects" of a challenged policy may be relevant as a "starting point," only in "rare" cases, where a clear pattern of discrimination emerges, will the inquiry turn on the nature of the discriminatory effect. Finally, in Personnel Administrator of Massachusetts v. Feeney, 28/ the Court upheld an "absolute and permanent" statutory preference for veterans in State employment, even though it operated overwhelmingly to exclude women from consideration for the best civil service jobs, because no subjective intent to discriminate was shown.

25/ 426 U.S. 229, 1976.

26/ 426 U.S. at 242.

27/ 429 U.S. 252, 1977.

28/ 442 U.S. 256, 1979.

The Supreme Court has not since Bakke confronted the precise question of whether an "effects" test, such as that applied in title VII employment cases under Griggs, or the more restrictive, constitutional intent standard is appropriate for evaluating the allegedly discriminatory conduct of Federal aid recipients under title VI. 29/ In the wake of Bakke, however, some lower Federal courts have ruled, within the context of suits to compel local school officials to provide bilingual instruction to non-English speaking students, 30/ and otherwise, 31/ that proof of past intentional discrimination is essential for title VI relief. These may be contrasted with other decisions, both prior to and after the Bakke ruling, which have required

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29/ In Board of Education, New York City v. Harris, 444 U.S. 130, 1979, however, the Court ruled that in the case of desegregating school districts receiving Federal funds under the Emergency School Aid Act, 20 U.S.C. 1601-1619, discriminatory impact is the standard by which ineligibility is to be measured, regardless of whether the discrimination relates to "demotion or dismissal of instructional or other personnel" or to "the hiring, promotion, or assignment of employees." According to the Court, the text and congressionally stated policy and purposes behind the Act, its legislative history and overall structure all pointed in the direction of the "effects" test. Therefore, to treat as ineligible only an applicant with a past or conscious present intent to perpetuate racial isolation would defeat the stated objective of ending de facto as well as de jure segregation.

30/ Otero v. Mesa County Valley School District No. 51, 470 F. Supp. 326 (D. Colo. 1979). See also, Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3, 587 F. 2d 1022 (9th Cir. 1978) (neither title VI nor the Constitution are violated by district's failure to provide bilingual/bicultural education program where remedial instruction in English is already provided non-English-speaking students).

31/ Parent Association of Andrew Jackson High School v. Ambach, 598 F. 2d 705 (2d Cir. 1979) (school desegregation); Harris v. White, 479 F. Supp. 996 (D. Mass. 1979) (employment discrimination): Valadez v. Graham, 474 F. Supp. 149 (M.D. Fla. 1979) (Title VI challenge by migratory farm children to school district policy regarding late entering students and credit for prior attendance at other schools).

implementation of bilingual/bicultural programs without a specific showing that such students were the victims of past discrimination. 32/

Since Lau, the right of non-English speaking public school students to a bilingual/bicultural education program has been addressed by several lower Federal courts which have sought to apply the Supreme Court's ruling in actions brought under both title VI and the Equal Protection Clause of the Constitution. Some of the cases have evolved from Lau-type suits seeking direct relief of unequal educational opportunities alleged by non-English-speaking students as a result of the failure of public educational officials to provide bilingual services. Others have dealt with the question indirectly within the context of the relief to be afforded such students as the part of an overall plan to remedy segregation in the schools forbidden by the Constitution.

In Serna v. Portales Municipal Schools, 33/ after the trial court found that Spanish-surnamed children in Portales, New Mexico, were denied equal educational opportunity because the school distric had failed to take affirmative steps to rectify their language deficiencies, the school district

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32/ Serna v. Portales Municipal Schools, 499 F. 2d 1147 (10th Cir. 1974); Rios v. Read, 480 F. Supp. 14 (E.D.N.Y 1978) (orders implementation of a plan consistent with Lau remedies without considering Bakke issue); Cintron v. Brentwood Union Free School District, 455 F. Supp. 57 (E.D.N.Y. 1978) (pre-Bakke decision requiring submission of plan in compliance with Lau Remedies); Aspira of New York v. Board of Education of the City of New York, No 72 Civ. 4002 (E.D.N.Y 1974) (consent decree).

33/ 499 F. 2d 1147 (10th Cir. 1974).

submitted a plan for remedial action. 34/ Rather than accept the proposed program, which it found to be more "tokenism," the district court "fashioned a program which it felt would meet the needs of Spanish surnamed students in the Portales school system," including more expansive bilingual instruction and the hiring of a greater number of Spanish-speaking teachers. The Tenth Circuit Court of Appeals affirmed based on title VI and the Supreme Court's intervening decision in Lau.

In conformity with Lau, the Tenth Circuit determined that the effect of the school district's inaction was to deprive its Spanish-speaking students of a meaningful education and prevent their participation in the educational process in violation of title VI and the HEW guidelines.

> The trial court noted in its memorandum opinion that appellees claimed deprivation of equal protection guaranteed by the Fourteenth Amendment and of their statutory rights under Title VI of the 1964 Civil Rights Act, specifically § 601. While the trial court reached the correct result on equal protection grounds, we choose to follow the approach adopted by the Supreme Court in Lau; that is, appellees were deprived of their statutory rights under Title VI of the 1964 Civil Rights Act. As in Lau, all able children of school age are required to attend school. N.M. Const. Art. XII, § 5. All public schools must be conducted in English. N.M. Const. Art. XXI, § 4. While Spanish surnamed children are required to attend school and if they attend public schools the courses must be taught in English. Portales school district has failed to institute a program which

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34/ At trial, the plaintiffs established that, until 1970:

> [n]one of the teachers in the Portales schools was Spanish-surnamed including those speaking the Spanish language in junior and senior high school; there had never been a Spanish-surnamed principal or vice-principal and there were no secretaries who spoke Spanish in the elementary grades.

Moreover, despite an evaluation by the New Mexico Department of Education that the Portales schools were not meeting the language needs of their Hispanic childern, the defendants neither applied for funds under the Federal Bilingual Educaton Act, 20 U.S.C. 880b, nor accepted funds for a similar purpose when they were offered by the State of New Mexico. 499 F. 2d at 1149.

> will rectify language deficiencies so that these children will receive a meaningful education. The Portales school curriculum, which has the effect of discrimination even though probably no purposful design is present, therefore violates the requisites of Title VI and the requirement imposed by or pursuant to HEW regulations. 35/

Unlike Lau, however, the Tenth Circuit passed on the adequacy of the proposed remedy, concluding that the record reflected a long standing policy by the Portales school that ignored the needs of Spanish-surnamed school children. This degree of judicial intervention was justified by analogy to constitutional cases in the school desegregation area so the "the trial court, under its inherent equitable power, can properly fashion a bilingual-bicultural program which will assure that Spanish-surnamed children receive a meaningful education." 36/ However, to dispel any implication that its ruling would require bilingual programs where a student is found who lacks facility in the English language, the court adopted the Blackmun view, in Lau, that "numbers are at the heart of this case and only where a substantial group is being deprived of a meaningful education will a Title VI violation exist." 37/

In 1972, Puerto Rican and other Hispanic students in New York City brought an action against the city board of education to compel adoption of an effective program of bilingual instruction. 38/ As in Lau and Serna, the educational policies of the school board were alleged to violate the equal

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35/ 499 F. 2d at 1153-54.

36/ 499 F. 2d at 1154, citing Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 1971.

37/ 499 F. 2d at 1154.

38/ Aspira of New York v. Board of Education of the City of of New York, No. 72 Civ. 4002 (S.D.N.Y. 1074) (unreported consent decree); related rulings may be found at 65 F.R.D. 541 (S.D.N.Y. 1975) (attorney's fees); 58 F.R.D. 62 (S.D.N.Y. 1973) (motion to dismiss); 423 F. Supp. 647 (D.D.N.Y. 1976) (contempt proceedings).

protection clause, and the rights to an equal educational opportunity mandated by title VI. Again, as in those cases, the school board asserted as a defense that it treated all students equally. However, before the case proceeded to trial, but after the Court's Lau decision, the parties entered into a consent decree.

The consent decree established a far reaching bilingual education program, providing for

> methods of identifying those to receive bilingual instruction, for specific forms of instruction in Spanish and English, for the formulation of pertinent educational standards, the preparation and distribution of instructional materials, the recruitment and training of staff, the procurement of suitable funding, and continued consultation with plaintiffs. . . . 39/

In a subsequent proceeding, the court relied on an "effectiveness standard to find that the board of education had failed to comply with its duties under the consent decree and implementing orders, and had not employed, in good faith, the utmost diligence in discharging its responsibilities." 40/ As a result, the board was held in contempt and ordered to comply with the decree and related orders.

39/ See, 423 F. Supp. at 649. The testing program formulated by the consent decree bore some similarities to that in the proposed ED regulations. It began with a group of tests called the "language assessment battery (L.A.B.)--English Version. In a first step, this L.A.B. was given to a sample population of English-speaking students whose performance was scored and who served as the "norming group." Next, the same test was given to all Hispanic students, from whom were selected those entitled to the program of bilingual education. The third step comprised the "norming process" which provided that 1) a Spanish-Version L.A.B. would be given only to those Hispanic students whose scores fell below the 20th-percentile score of the norming group, and 2) from among those thus given the Spanish version, the bilingual program would then embrace the students who scored better on this version and were thus designated as being able to "more effectively participate in Spanish."

40/ 423 F. Supp. at 649.

In Rios v. Read 41/ Puerto Rican and Hispanic children attending school in the Patchogue-Hedford School District in Suffolk County, New York brought a class action claiming that the district's existing program of remedial language instruction was inadequate to satisfy the requirements of title VI and the Equal Educational Opportunities Act of 1974 (EEOA). 42/ The school population of the district at the time of trial was approximately 11,000, of whom about 800 were Hispanic. Of these 800 Hispanic children, however, only 186 were receiving remedial instruction in English. The district's program for Spanish-speaking children consisted of six full-time instructors, but it appeared that only two of these had any formal training in the methods of bilingual teaching. In addition, the court found that the program itself "was almost totally geared toward teaching English as a second language (ESL)," with English taught to Spanish speaking children during periods when their English speaking

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41/ 480 F. Supp. 14 (E.D.N.Y. 1978).

42/ 20 U.S.C. 1703(f). The EEOA was enacted as part of the Education Amendments of 1974 and provided in § 204 that:

> No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by
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> * * * * *
>
> (f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program.

Although unclear from the legislative history, at least two courts have held in the school desegregation context that the prohibitions of the Equal Education Opportunity Act, 20 U.S.C. 1701-1721, go beyond those of the Constitution and forbid practices discriminatory in their effect even if no improper motive is shown. United States v. Hinds County School Board, 560 F. 2d 619, 623-24 (5th Cir. 1977); Martin Luther King Elem. School Children v. Michigan Board of Education, 463 F. Supp. 1027, 1031-32 (E.D. Mich. 1978). Although similar considerations may thus apply as in the Title VI context, it should be observed that neither ED or any other Federal agency is given explicit authority to enforce § 1703(f) by issuing rules or regulations regarding bilingual education.

counterparts were instructed in other subjects. No formal procedures or tests were utilized to identify students in need of special instruction nor to determine when the student had reached the required level of competence in English. Nonetheless, the board argued that Lau required only that the district take affirmative steps to correct the language deficiencies of non-English speaking students, and that it had fully complied with this mandate.

The Rios court disagreed, however, holding the the district had not discharged its statutory obligations under Lau by instituting the ESL program alone, and required, in addition, that it establish a bilingual/bicultural program in conformity with the Lau guidelines issued by HEW.

> The statutory obligations upon the school district require it to take affirmative action for language-deficient students by establishing an ESOL and bilingual program and to keep them in such a program until they have attained sufficient proficiency in English to be instructed along with English-speaking students of comparable intelligence. The school district has the obligation of identifying children in need of bilingual education by objective, validated tests conducted by competent personnel. It must establish procedures for monitoring the progress of students in the bilingual program and may exit them from the program only after validated tests have indicated the appropriate level of English proficiency. 43/

The court stated the purpose of the program to be "to assure the language deficient child that he or she will be afforded the same opportunity to learn as that offered his or her English speaking counterpart." As a necessary concomitant to achieving this objective, the court ruled that in addition to bilingual aspect, "the program must also be bi-cultural as a psychological support to the subject matter instruction." 44/

43/ 480 F. Supp. at 23.

44/ 480 F. Supp. at 21-22.

Similarly, in Citron v. Brentwood Union Free School, 45/ Puerto Rican and other Hispanic children with deficiencies in the English language sued for injunctive and declaratory relief with respect to the announced intention of the school district to restructure its bilingual education program. The proposed modification was prompted by a reduction in force related to declining enrollments which reduced the district's bilingual staff from 15 to 7 teachers. Measured against the Lau guidelines, the court found that both Project Avelino, the present bilingual program, and the board's proposed Plan V violated the EEOA and title VI.

Specifically, the present plan was faulty because it kept Spanish-speaking students separate and apart from English-speaking students, it was conducted as a maintenance program, and it failed to provide a mechanism for transferring students to regular instructional courses once they had achieved proficiency in English. Plan V was likewise found defective in that it did not clearly indicate the manner in which English-deficient students would be identified and was based on a theory of "immersion into English language and culture and a subordination of Spanish and Hispanic culture with a view to accelerating the acquisition of English." 46/ Accordingly, the school district was directed to submit a plan in compliance with the Lau guidelines which incorporated the following:

> The plan must contain more specific methods for identifying on admission those children who are deficient in the English language and for monitoring the progress of such children by the use of recognized and validated tests to ascertain achievement levels and proficiency in the English language. It should have a training

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45/ 455 F. Supp. 57 (E.D.N.Y. 1978).

46/ 455 F. Supp. at 63.

> program for bilingual teachers and bilingual aids. The program must be both bilingual and bicultural. It must provide a method for transferring students out of the program when the necessary level of English proficiency is reached. It should not isolate children in racially or ethnically identifiable classes, but it should encourage contact between non-English and English[-]speaking children in all but subject matter instruction (in the earliest classes i.e., kindergarten and first grade, where subject matter is of lesser importance, the program should emphasize the need for contact between non-English and English[-]speaking children. 47/

In the meantime, the school board was directed to modify the present plan in accordance with the court's opinion.

In contrast to these decisions, two Federal courts have ruled that "there is no constitutional right to bilingual/bicultural education," and that title VI, as interpreted in Lau, may provide no more basis for such a right than the Equal Protection Clause. The first case to hold in this manner was Judge Winner's decision in Otero v. Mesa County Valley School District No. 51. 48/ In that case, nine Mexican-American school children filed a class action against a Colorado school district to require it provide a bilingual/bicultural curriculum and to hire more Mexican-American teachers and supporting personnel. The plaintiffs attempted to support their constitutional claims with the results of a "home survey" designed to ascertain whether Spanish was spoken in the homes of Spanish-surnamed students. In dismissing this evidence as having no bearing on the issue of the extent of need for bilingual education in the district, the court deferred instead to tests administered by the board which seemed to show no English language difficulties on the part of significant

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47/ 455 F. Supp. at 64.

48/ 408 F. Supp. 162 (D. Colo. 1975).

number of Hispanic students. 49/ Because of this, and a dearth of other educational or linguistic data demonstrating a substantial need for bilingual education in the district, Judge Winner held that "in addition to the determination that there is no constitutional right to bilingual/bicultural education, there is no failure on the part of the district to comply with any federal statute or regulation." 50/

In his discussion of the title VI claim, Judge Winner observed that the class of students asserting that they had been deprived of a meaningful education was relatively small, and that the district had made a "conscientious effort" to solve the problem which existed as to any student. The court found that the small number of students affected, and the good faith motivation on the part of the school board, distinguished the case from Lau and Serna.

> Lau and Serna both had to do with large numbers of students who had language deficiencies and who could not learn in English. Our cases involve a very few, if any, students who have real language deficiency. Lau and Serna dealt with school boards which were making no real effort to meet the problem . . . District 51 has made and it is making a real effort, an all out effort, which in no circumstances can be said to be a mere token effort. I could do no better, and I do not believe that a federal judge should step in where the school board and school officials are doing their best and doing a good job. The only injunctive order I could in good faith enter would be one which ordered the school board to 'keep up the good work.' 51/

49/ It appears from the opinion that 8.2 percent of the district's school population was Mexican-American. Of the 628 students tested by the school board, 18 were found to be Spanish-dominant, five were found to be bilingual, and four were found to be Spanish-proficient. Judge Winner found that "there is no deficiency on the part of a significant number of Mexican-American students in English language proficiency, and the students who are deficient in English are also deficient in Spanish." 408 F. Supp. at 165.

50/ 408 F. Supp. at 170.

51/ 408 F. Supp. at 171.

The court then cited Justice Blackmun's concurring opinion in Lau, and the "substantial group" requirement in Serna, as authority for the proposition that a title VI violation could exist only when a substantial number of students are being deprived of meaningful education. Since the school board's statistics substantiated that no need existed, plaintiffs' claim necessarily failed. Accordingly, the court declined to review the success of the school board's existing language program, which is not even discussed in the opinion, because it concluded that the plaintiffs were seeking "to substitute their judgment for the thoughtful, independent judgment of the elected school board." 52/

The plaintiffs did not appeal this part of the court's decision but did seek review of the court's finding that they lacked standing to challenge the board's hiring practices. On remand from the Tenth Circuit, the district court was directed to reconsider the employment discrimination claims. 53/ In so doing, Judge Winner reviewed the Supreme Court's subsequent rulings in Bakke and Washington v. Davis and concluded, without further discussion of the bilingual education aspects of his earlier ruling, that "Bakke did decide that Title VI requires the existence of the intent not necessary in some Title VII situations." 54/

52/ 408 F. Supp. at 164. Judge Winner also expressed concern that "if there were an Equal Protection right to bilingual/bicultural education, the needs of a single student would give rise to that right, and our nation's schools would bankrupt themselves in meeting Equal Protection claims to bilingual educations in every conceivable language and dialect." 408 F. Supp. at 169.

53/ Otero v. Mesa County Valley School District No. 51, 568 F. 2d 1312 (10th Cir. 1977).

54/ 470 F. Supp. 326, 330 (D. Colo. 1979).

Commenting further, he stated:

> I am convinced that purposeful discrimination must be proved to recover under Title VI, and plaintiffs themselves really don't argue that they have proven intentional discrimination on anyone's part. If I misapprehended their position, I expressly say that even if discriminatory impact could be said to be established under the record, that would not be enough in a case resting on either constitutional grounds or on Title VI. Title VI and the Constitution permit recovery only where intent is proven, and there was no proof of any such intent. This is equally true as to plaintiffs' claim under 20 U.S.C. § 1703 [the EEOA]. 55/

Similarly, in Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3, 56/ the Court of Appeals for the Ninth Circuit affirmed a judgment for the school district in a suit brought by Mexican-American and Yaqui Indian students to compel implementation of a bilingual/bicultural education program in lieu of a program of remedial instruction in English already offered by the district. Of the 12,280 students in the entire district, it appeared that approximately 18 percent were Mexican-American or Yaqui Indian and that 554 of 605 students attending elementary school in Guadalupe were from those ethnic groups. The plaintiffs did not object to the district's present efforts to deal with their language difficulties but complained only that its failure to provide instruction "both in the child's own language, Spanish, and the language of the majority culture, English" violated their rights under the Constitution, title VI, and section 1703(f) of the EEOA.

In rejecting the plaintiffs' claim that bilingual education is required by the Equal Protection Clause, the court of appeals found that since education is not a "fundamental right" under the Constitution, 57/ the existing program

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55/ 470 F. Supp. at 331.

56/ 587 F. 2d 1022 (9th Cir. 1978).

57/ Citing, San Antonio Independent School District v. Rodriguez, 411 U.S. 1, 1973.

of remedial instruction in English satisfied the district's constitutional obligations as a "rational" response to their language needs.

> We hold that the appellees fulfilled their equal protection duty to children of Mexican-American and Yaqui Indian origin when they adopted measures, to which the appellants do not object, to cure existing language deficiencies of non-English-speaking students. There exists no constitutional duty imposed by the Equal Protection Clause to provide bilingual-bicultural education such as the appellants request. The decision of appellees to offer the educational program attacked by appellants bears a rational relationship to legitimate state interests. Nor, so far as the record reveals, does the appellees' program fail 'to provide each child with an opportunity to acquire the basic minimal skills necessary for the enjoyment of the rights of speech and of full participation in the political process.' 58/

Noting the "uncertainty" engendered by the Supreme Court's Bakke ruling in regard to applicable title VI standards, the Court was similarly persuaded that the plaintiffs could not prevail under that statute.

> Appellants argue that the failure to implement a bilingual-bicultural education program staffed with bilingual instructors forecloses them from meaningful education and that they receive fewer benefits from the district's educational programs than do English-speaking children. We do not agree. Providing the appellants with remedial instruction in English which appellants appear to admit

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58/ In further discourse on the constitutional issue, the court stated:

> The decision of the appellees to provide a predominately monocultural and monolingual educational system was a rational response to a quintessentially 'legitimate' state interest. The same perforce would be said were the appellees to adopt the appellants' demands and be challenged by an English-speaking child and his parents whose ancestors were pilgrims.
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> Whatever may be the consequences, good or bad, of many tongues and cultures existing within a single nation-state, whether the children of this Nation are taught in one tongue and about primarily one culture or in many tongues and about many cultures cannot be determined by reference to to the Constitution. We hold, therefore, that the Constitution neither requires not prohibits the bilingual and bicultural education sought by appellants. Such matters are for the people to decide. 587 F. 2d at 1027.

> complies with Lau's mandate makes available the meaningful eduation and the equality of educational opportunity that Section 601 requires. There is no suggestion that appellees' remedial program operates 'as an educational deadend or permanent track.' 59/

Finally, the court found that section 1703 (f) of the EEOA would be violated only if the board had "made no plans or provisions to deal with the language handicap." 60/

Other cases have dealt with constitutional claims to bilingual/bicultural education within the context of formulating plans to desegregate the public schools under the Fourteenth Amendment. In Keyes v. School District No. 1 61/ the Tenth Circuit refused to order bilingual/bicultural education as a remedy to elimate the consequences of de jure segregation and expressly held that the "Cardenas Plan," a specific program of bilingual/bicultural education, was not required by the Constitution. The district court's finding that the entire Denver district was an illegal dual school system was affirmed, but on the issue of providing bilingual instruction, the lower court was found to have transgressed the limits of its power. The Cardenas Plan, also involved in

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59/ 587 F. 2d at 1029-1030.

60/ In this regard, the court explained:

> Because Section 1703 (f) was proposed as an amendment from the floor of the House, there is very little legislative history. No previous decision has interpreted the scope of the 'appropriate action' requirement. Inasmuch as, to repeat, the appellants do not challenge the appellees effort to cure existing language deficiencies we are not asked to decide whether their chosen program constitutes 'appropriate action to overcome language barriers that impede equal participation by its students in its instructional program.' Rather the issue is whether 'appropriate action' must include the bilingual-bicultural education the appellants seek. We hold that it need not. To hold as appellants urge us to do would distort the relevant statutory language severely. The interpretation of floor amendments unaccompanied by illuminating debate should adhere closely to the ordinary meaning of the amendment's language. 587 F. 2d at 1030.

Otero, was premised on the theory that the poor performance of minority children in public schools results form "incompatibilities" between the cultural characteristics of minority students and the middle class methods and expectations of the school system involved. In rejecting plaintiffs' assertion that the Equal Protection Clause required the institution of such a plan, either to have meaningful desegregation or equal educational opportunity, the Tenth Circuit, nevertheless, agreed that a meaningful desegregation program must include the transition of Spanish-speaking children to the English language. However, the court concluded that, in this instance, the lower court's order was improper since it went beyond the mere attainment of proficiency in the English language and imposed upon school authorities "a pervasive and detailed system for the education of minority children."

In Morgan v. Kerrigan, 62/ a Federal district court sought to deal with the potential conflict perceived by the Tenth Circuit in Keyes between demands for bilingual education and desegregation requirements. After finding the Boston schools to be unconstitutionally segregated, the court ordered a desegregation plan that also provided for bilingual instruction. The plan's assignment guidelines also took into account "other minority" students in a manner that went beyond simply aggregating them with black students in the process of developing school composition limits. The plaintiff-intervenors, representing Spanish-speaking students and their parents, asserted a right to adequate bilingual education, and requested the implementation of a

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61/ 521 F. 2d 465 (10th Cir. 1975), cert. denied 423 U.S. 1066, 1976.

62/ 401 F. Supp. 216 (D. Mass. 1975).

bilingual program for Hispanic students and others in need of this service. The court determined that in order to minimize their excessive dispersal, such students should be given priority in assigning them to schools ahead of other groups. The court felt that this would permit the "clustering" of bilingual classes, thus enabling them to comply with title VI.

In another post-Lau desegregation case, United States v. Texas Education Agency, 63/ the Fifth Circuit again perceived no conflict between desegregation and the institution of a bilingual education program. The district court had adopted a commitment by school administrators to maintain an ongoing bilingual-bicultural education program that would continue "regardless of the level of federal funding" as part of an overall plan to desegregate the Austin, Texas schools. This was justified as necessary to assist Mexican-American students in adjusting to their new school environment and to assure them a meaningful desegregation.

> [S]pecial education consideration . . . shall be given to the Mexican-American students in assisting them in adjusting to those parts of their new school environment which present a cultural and linguistic shock. Equally clear, however, is the need to avoid the creation of a stigma of inferiority . . . To avoid this result the Anglo-American students too must be called upon to adjust to their Mexican-American classmates, and to learn to understand and appreciate their different linguistic and cultural attributes. The process by which all students participate in a joint learning and adjustment process will not only constitute an educational enrichment but, also, will bring the school system as a whole closer to that goal or state-of-being referred to by the Supreme Court as a unitary system. 64/

The court of appeals affirmed the inclusion of this commitment as part of the desegregation plan by asserting that "state and federal law requires as much."

63/ 532 F. 2d 380 (5th Cir. 1976).

64/ 342 F. Supp. 24, 28 (E.D. Tex. 1971).

Again, no mention was made of the possible conflict between bilingual education and desegregation remedies, and bilingual/bicultural programs were ordered for all students.

Other courts, though not going so far as to require bilingual education for all students, have recognized that bilingual programs may facilitate the desegregation process and have ordered their implementation as an element of a desgregation plan. 65/ Fashioning a remedy for de jure segregation, however, is a task quite distinct from determining whether there exists a constitutional right to bilngual/bicultural education where segregation is not the issue. The first involves, as Swann v. Charlotte-Mecklenburg Board of Education 66/ directs, a balancing of "individual and collective interests" having as its goals the correction of de jure segregation. Determining that a remedy which includes bilingual education is appropriate to further the correction of de jure segregation does not a fortiori make it a constitutional entitlement where such conditions are not present. 67/

In conclusion, it appears that while there is judicial support for the proposition that title VI as interpreted by Lau contemplates a program of bilingual education to assure the meaningful participation of non-English-speaking public schools students, authority to the contrary may also be found

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65/ Evans v. Buchanan, 447 F. Supp. 982, 1016 (D. Del.). aff'd 582 F. 2d 750 (3d Cir. 1978) (ordering "curriculum offerings and programs which emphasize and reflect the cultural pluralism of the students"); Bradley v. Milliken, 402 F. Supp. 1096, 1144 (E.D. Mich. 1975), aff'd 433 U.S. 267, 1977; Quality of Education for All Children, Inc. v. School Board, 385 F. Supp. 803 (N.D. Ill. 1974).

66/ 402 U.S. 1, 1971.

67/ See, Guadalupe Organization, Inc. v. Tempe Elementary School District No. 3, 587 F. 2d 1022, 1028 (9th Cir. 1978).

in the cases. Serna found a title VI right to bilingual education where a "substantial" number of students are involved but, significantly, the school officials there had taken no affirmative steps to assist the district's English-deficient students. In addition, although the Serna court made no specific findings to that effect, there was arguable support in the record for an inference of past intentional discrimination by the district against such students. 68/ The order in Aspira was entered by consent decree and the court never decided the merits of the title VI claims. As such, Rios and Cintron, which required implementation of the Lau Remedies in place of remedial instruction in English, provide the strongest support for a mandatory obligation on school districts to provide bilingual instruction. However, those decisions are at odds with Guadalupe and the latest Otero ruling, both decided after Bakke, which interpreted the Constitution and title VI as not requiring school districts which already provided some form of remedial English instruction to institute a bilingual education program.

68/ See, 499 F. 2d at 1149-50.

CHAPTER 5

HISPANICS IN THE U.S. LABOR FORCE: A BRIEF EXAMINATION 1/

by
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I. POPULATION 2/

The Hispanic population 3/ in the United States has been growing rapidly, registering a 25 percent increase (3.2 percent annual rate of growth) from March 1973 to March 1980. The total population increase, on the other hand, was only 3.7 percent (0.5 percent annual rate of growth) over this time period. Rapid population growth has taken place within each Hispanic ethnic subgroup. Mexicans increased their population by 26.0 percent over this period, Puerto Ricans by 18.3 percent, Cubans by 13.4 percent (the March 1978 to March 1980 increase was large enough to reverse the March 1973 to March 1978 decline), Central and South Americans by 71.2 percent, and the "other" Spanish origin population by 16.3 percent, reversing a March 1973 to March 1979 decline. In March 1980 persons of Hispanic origin or descent residing in the United States (excluding Puerto Rico) made up 6.1 percent of the total U.S. population. Of the more than 13 million U.S. residents of Hispanic origin, the largest group is Mexicans with nearly 8 million individuals. The remaining Hispanic population is made up of 1.8 million Puerto Ricans, 0.8 million Cubans, 1.0 million Central or South Americans, and about 1.6 million persons of other Hispanic origin or descent. Since these Hispanic ethnic groups entered the

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1/ This paper is an update and expansion of an earlier paper by the same title and author. (Report No. 81-13 E, January 14, 1981.)

2/ Source: Persons of Spanish Origin in the United States, March 1973; Current Population Reports, Series P-20, No. 264 and same publication for March 1980, No. 361. The current population survey used to gather these data may not include all Hispanics. For a discussion of this problem as it relates to the census, see: Jacob S. Siegel and Jeffrey S. Passel, Coverage of the Hispanic population of the United States in the 1970 census: a methodological analysis. Current Population Reports, Special Studies, Series P-23, No. 82.

3/ Resident population excluding persons in institutions and Armed forces in barracks.

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United States for different reasons, in different regions of the country, and during different time periods, they also demonstrate different patterns of labor force behavior.

In 1980 more than 60 percent of persons of Spanish origin lived in five Southwestern States (Arizona, California, Colorado, New Mexico, and Texas) and most of these persons were of Mexican origin. Nearly another 11.5 percent of the Hispanic population resided in New York State; the State of Florida accounted for another 5.9 percent of the total.

Spanish families are more concentrated in metropolitan areas than non-Spanish families. In March 1980 about 83 percent of Spanish families lived in these areas as compared with 67 percent for all other families in the Nation. In addition, about three out of every five metropolitan resident Spanish-origin families lived in the central cities of those areas.

Place of residence is not consistent across all ethnic Hispanic groups. While nearly all Puerto Rican and Cuban families lived in metropolitan areas (94 and 97 percent respectively), nearly 80 percent of the Puerto Rican families lived in central cities while this was true for only 41 percent of the Cuban families. Slightly less than 80 percent of Mexican-origin families lived in metropolitan areas with only 55 percent living in the central cities. Unlike Puerto Rican and Cuban families, however, Mexican families were much more likely to live in nonmetropolitan areas (5.4 percent, 3.3 percent, and 20.7 percent respectively).

The high proportion of nonmetropolitan Mexican families and central-city Puerto Rican families probably explains part of their employment problems. On the other hand nearly three-fifths of Cuban families lived in the suburbs where over the past decade many jobs have been created. Unfortunately, the level of aggregation of the data does not let us, at this time, make more than conjectures about the importance of residence on employment status.

II. HISPANIC PARTICIPATION IN THE U.S. LABOR MARKET

As a group, Hispanics participate in the labor market at a rate very similar to that of all workers. (In 1980 the labor force participation rates were 64.0 percent and 63.8 percent, respectively.) However, hidden in this aggregate rate are significant differences among various age-sex groups. And when these same data are broken down into the various Hispanic ethnic groups, additional differences become evident.

In 1980 the labor force participation rate of adult Hispanic men (20 years old and over) was 85.2 percent as compared to 79.4 percent for all adult men. However, other than the 20 to 24 year olds and the 55 year olds and over, adult Hispanic men were slightly less likely to participate in the labor force than men overall. (See Table 1.) The higher overall labor force participation rate results from the fact that the current Hispanic male population in the U.S. is, on average, younger than the non-Hispanic male population in the United States (in 1980 50.9 percent of the adult Hispanic men were between the ages of 20 and 34 as compared to 39.8 percent for all adult men) and because young adult men traditionally hold higher labor force participation rates than older men.

For adult Hispanic women the overall labor force participation rate is somewhat lower than the rate for all adult women (in 1980 the labor force participation rates were 48.8 percent and 51.3 percent, respectively). However, the closeness of the overall rates is not what it seems to be. For most of the specific age groups for which data are reported, Hispanic women have labor force participation rates 7.5 to 12 percentage points lower than all adult women. This apparent discrepancy results from the fact that adult Hispanic women, similar to adult Hispanic men, are younger than their non-Hispanic counterparts, and young adult women tend to have higher labor force participation than older women. (In 1980 47.4 percent of adult Hispanic women were between the ages of 20 to 34 as compared to 36.3 percent for all women)

Differences in the rates of labor force participation also exist across the various groups of the Hispanic population. In 1981 Mexicans, Cubans, and other non-Puerto Rican Hispanics had labor force participation rates in the 64 to 67 percent range, about the same as among the overall working-age U.S. population (see Table 4). However, in the case of working-age Puerto Ricans, only one-half (50.0 percent) participated in the U.S. labor market. This significant difference can be attributed to the lower labor force participation rates of Puerto Rican teenagers and adult women. In 1981, only 25.1 percent of Puerto Rican teenagers and 36.9 percent of Puerto Rican adult women participated in the labor force as opposed to 52.8 percent and 41.6 percent of Mexican and Cuban teenagers and 50.1 and 53.9 percent of Mexican and Cuban adult women. Puerto Rican adult men, on the other hand, were nearly as likely to participate in the labor market as their Cuban counterparts, but less likely than their Mexican counterparts.

TABLE 1: Labor Force Participation Rates 1/ and Age Distribution of Adult Hispanic Men and Women, 1980

Age group	Labor force participation rate				Age group as a % of adult population			
	All men	Hispanic men	All women	Hispanic women	All men	Hispanic men	All women	Hispanic women
20 and over	79.4	85.2	51.3	48.8	100.0	100.0	100.0	100.0
20 - 24	86.0	88.2	69.0	57.1	14.6	20.1	13.2	18.0
25 - 34	95.3	93.5	65.4	53.9	25.2	30.8	23.1	29.4
35 - 44	95.5	94.1	65.5	56.0	17.2	18.7	16.1	18.9
45 - 54	91.2	91.0	59.9	52.0	15.1	14.0	14.6	14.5
55 - 64	72.3	72.5	41.5	32.9	13.9	8.9	14.3	9.7
65 +	19.1	19.4	8.1	4.9	14.1	7.5	18.8	9.5

Source: Bureau of Labor Statistics, U.S. Department of Labor.

1/ Percent of civilian noninstitutional population in the civilian labor force.

III. CHANGES IN THE HISPANIC LABOR FORCE

From 1973 to 1981 several changes have taken place in the demographic composition of the Hispanic labor force. 4/ On an average annual basis, the labor force participation rate of all adult Hispanic males remained relatively stable over the period. A large decline (of more than 8 percentage points), however, occurred among Puerto Ricans (their participation rate has stabilized since 1976). This decline has been attributed, in part, to the concentration of adult Puerto Rican men in the declining occupations in New York City.

From 1973 to 1981 the number of adult Hispanic women in the labor force has grown by nearly 82 percent. This phenomenon, however, was more the result of an increase in the female Hispanic working-age population due to ongoing migration, rather than an increase in the propensity to be in the labor force. Yet, the labor force participation rate of adult Hispanic women did rise during the period commensurate with the rate for all adult women (8.8 and 7.8 percentage points, respectively). While the labor force participation rate for Puerto Rican women declined from 1973 to 1977, it increased from 1977 to 1981, peaking in 1980. In 1979 one-half of all working-age mainland Puerto Ricans resided in New York City. From 1969 to 1977 overall employment in the city fell by 12.6 percent while the working-age population fell by only 1.8 percent. Approximately 75 percent of this employment decline took place in clerical and operative jobs which, in 1977, accounted for nearly two-thirds of the employed Puerto Rican women.

IV. RELATIVE UNEMPLOYMENT

From 1973 through 1981, Hispanics have accounted for a disproportionate share of U.S. unemployment. While comprising between 4 and 5.5 percent of the civilian labor force during the time period, they have accounted for 6 to 7.5 percent of the Nation's unemployed. Typically, the Hispanic unemployment rate is about 40 to 50 percent greater than the overall rate. (The black unemployment rate ranges 75 to 100 percent greater than the overall rate.)

As with the labor force participation rate data, when broken down on the basis of ethnicity, the unemployment data yield differences across the groups. (See Table 2.) Of all Hispanic groups, Puerto Rican workers have had the highest rate of unemployment from 1976 through 1981, being 30 to 45 percent

4/ This time period was chosen because 1973 is the first year for which comparable data are available.

higher than the overall Hispanic rate and 80 to 100 percent higher than the rate for all workers. Cubans have had the lowest unemployment rate among Hispanics, their rate being 25 percent or less than the overall Hispanic rate but 10 to 50 percent greater than the rate for all workers. Mexicans have had unemployment rates approximately the same as the overall Hispanic unemployment rate. The higher overall rate of unemployment for Puerto Rican workers and lower rate for Cuban workers also holds true for most age-sex groups.

The lower Cuban rate results from the fact that nearly 60 percent of their labor force is aged 35 years and over (see Table 3), while less than 45 percent of Mexican and only 36 percent of Puerto Rican workers are in that age group. Traditionally, workers aged 35 and over (particularly men) have lower rates of unemployment than younger workers, because they are more mature, are more likely to have marketable skills and work experience, and display a greater degree of labor market stability. An additional reason why Cuban workers are more highly employed is because they have higher levels of education. Many of the Cubans who fled to the United States prior to 1979 came as a result of the 1959 revolution and were primarily middle class white collar workers or skilled or semiskilled blue collar workers. The workers in the recent flood of Cuban migrants, however, are not as highly skilled as their predecessors. On the other hand, many of the Mexican and Puerto Rican migrants who came to the United States were poorly educated, unable to speak fluent English and willing to accept low-paying employment which required little or no education.

TABLE 2: Hispanic Unemployment Rates by National Origin

	Unemployment rate					
	1976	1977	1978	1979	1980	1981
Total	7.7	7.0	6.0	5.8	7.1	7.6
Total Hispanic Origin	11.6	10.1	9.1	8.3	10.1	10.5
Mexican Origin	11.2	10.1	8.9	8.2	10.3	10.5
Puerto Rican Origin	15.7	13.6	13.2	11.5	13.7	13.7
Cuban Origin	11.4	8.8	7.0	7.8	7.9	9.0

Source: Table 41, Handbook of Labor Statistics, 1978, Bureau of Labor Statistics, U.S. Department of Labor, p. 133; Employment and Earnings, January 1979, 1980 and 1982, Table 45, Bureau of Labor Statistics, U.S. Department of Labor.

TABLE 3: Percent Distribution of the Civilian Labor Force and Unemployment Rates by Sex, Age, and Hispanic Origin, 1981 Annual Averages (numbers in thousands)

	Percent Distribution of the Civilian Labor Force				Unemployment Rate			
	All Workers	Mexican Origin	Puerto Rican Origin	Cuban Origin	All Workers	Mexican Origin	Puerto Rican Origin	Cuban Origin
Total, 16 years and over	108,670	3,757	583	483	8,273	393	80	44
In percent	100.0	100.0	100.0	100.0	7.6	10.5	13.6	9.0
16-19 years	8.3	10.5	7.4	6.6	19.6	22.6	42.5	22.0
20-24 years	14.8	20.3	16.5	13.7	12.3	13.2	20.9	12.1
25-34 years	28.0	32.9	33.1	21.1	7.3	8.7	11.6	8.2
35-44 years	19.5	17.9	23.0	21.3	5.0	7.0	9.1	8.1
45-54 years	15.6	11.9	14.2	22.6	4.2	6.7	5.0	6.1
55-64 years	11.0	5.6	5.7	11.8	3.7	7.9	7.8	7.8
65+ years	2.8	0.9	0.3	2.9	3.2	7.3	--	5.4
Men, 16 years and over	61,974	2,381	358	282	4,577	238	51	26
In percent	100.0	100.0	100.0	100.0	7.4	10.0	14.2	9.1
16-19 years	7.7	10.1	6.7	6.4	20.1	22.4	44.4	21.9
20-24 years	14.0	20.0	15.6	13.8	13.2	13.1	25.3	14.4
25-34 years	28.2	33.0	33.0	20.6	6.9	8.4	12.3	8.7
35-44 years	19.6	17.5	23.7	19.9	4.5	5.8	7.8	9.4
45-54 years	15.9	12.1	14.2	23.4	4.0	6.3	5.7	4.8
55-64 years	11.6	6.3	6.2	12.4	3.6	7.4	9.1	5.5
65+ years	3.0	1.1	0.6	3.5	2.9	9.0	--	7.3
Women, 16 years and over	46,696	1,375	227	200	3,696	155	29	18
In percent	100.0	100.0	100.0	100.0	7.9	11.3	12.6	9.0
16-19 years	9.0	11.1	8.4	7.0	19.0	22.8	40.1	22.1
20-24 years	16.0	20.9	18.1	13.0	11.2	13.4	14.7	8.8
25-34 years	27.7	32.8	33.0	22.0	7.7	9.1	10.4	7.6
35-44 years	19.4	18.8	21.6	23.5	5.7	8.9	11.3	6.5
45-54 years	15.2	11.6	14.1	22.0	4.6	7.6	4.0	8.2
55-64 years	10.3	4.4	4.8	11.0	3.8	9.2	5.3	11.4
65+ years	2.5	0.4	--	1.5	3.7	--	--	--

Source: Bureau of Labor Statistics, U.S. Department of Labor.

V. EMPLOYMENT

In 1981 there were approximately 5.1 million employed Hispanic Americans in the United States. More than 57 percent of their working-age population was employed, very close to the 59 percent for all workers. Differences do exist, however, when the Hispanic population is broken down by national origin, age and sex groups (see Table 4).

Overall, Puerto Ricans were the least likely to be employed of any Hispanic group. Puerto Rican teenagers are less than half as likely to be employed as their Cuban counterparts and about one-third as likely as their Mexican counterparts. Puerto Rican adult women were nearly three-fourths as likely to be employed as their Mexican counterparts, and nearly two-thirds as likely to be employed as their Cuban counterparts. As discussed earlier, Puerto Ricans have a much lower rate of labor force participation than their Mexican and Cuban counterparts, especially teenagers and adult women. While this may partially explain their low employment/population ratio, it is equally as likely that the low probability of finding employment reduces the desire of Puerto Rican teenagers and adult women to participate in the labor market.

Among adult men Puerto Ricans are also less likely to have been employed than their Mexican and Cuban counterparts; however, the differences across these three groups are much smaller than those across teenagers and adult women.

VI. OCCUPATIONAL DISTRIBUTION 5/

Employed Hispanics in 1981, as in earlier years, tended to be concentrated in those occupations which are characterized by low pay and low skill requirements, much more so than the overall workforce.

More than 75 percent of Mexican, Puerto Rican, and Cuban women were employed in three occupational categories: clerical, nontransport operatives, 6/ and service. (This compares to nearly two-thirds employed in these occupations for all women workers.) While the percent of Hispanic women working in clerical occupations is somewhat similar to employed women overall, the percent employed in operatives other than transport was more than double

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5/ This section is based on the data presented in Table 5.

6/ Nontransport operative occupations include sewers and stitchers, assemblers, clothing ironers and pressers, dressmakers and seamstresses, graders and sorters and checkers, examiners, and inspectors (manufacturing), packers and wrappers (excluding meat and produce), textile operatives.

and for some ethnic groups triple the overall rate. Nearly 30 percent of Cuban women, about one-fourth of Puerto Rican women and more than one-fifth of Mexican women held nontransport operative jobs as compared to one-tenth of all women. Hispanic women employed in service occupations differed by ethnic group. 7/ Interestingly, Puerto Rican and Cuban women were less likely than women in general to be employed in service occupations. On the other hand, Mexican women were nearly more than 10 percent as likely as women in general to be employed in service occupations. As a corollary to Hispanic women's high representation in the clerical, nontransport operative and service occupations, they were underrepresented (when compared to all employed women in general) in the professional and technical and managerial and administrative occupations.

Except for Puerto Ricans, the predominant occupational category of Hispanic men was in craft and kindred workers, employing about 20 to 21 percent of each ethnic group (for Puerto Ricans more than 15 percent). This percentage compares favorably with the 20.7 percent rate for all employed men. On the other hand, Hispanic men were overrepresented in the nontransport operative, nonfarm labor, and service occupations.

As has been true of the examination of the data so far, it is necessary to examine the male occupational data by ethnic breakdowns. Approximately 11 percent of all men were employed in nontransport operative occupations compared to 19 percent of all Hispanic men. When broken down into ethnic groups, 21 percent of the employed Puerto Rican men (nearly double the overall rate), 20 percent of Mexican men (more than one and one-half times the overall rate), and 12.5 percent of Cuban men were employed in these occupations.

The share of Hispanic men engaged in nonfarm labor occupations was more than 50 percent higher than the percentage of all men in this occupational category (11 percent and 7 percent, respectively). However, the proportion of Mexican men in this occupational group was from 50 to 70 percent higher than that of their Puerto Rican and Cuban counterparts. Nearly 13 percent of Mexican men were nonfarm laborers as opposed to 7 percent of the Cuban and 8.5 percent of the Puerto Rican men.

Hispanic male representation in the service occupation was nearly 50 percent greater than the representation of men overall (13 percent and

7/ Service occupations include housekeepers, cleaning service workers, food service workers, health service workers, personal service workers, etc.

TABLE 4: Employment Status of Hispanic Workers 16 Years Old and Over by Sex and Age, 1981 Annual Averages

Employed status, sex and age (numbers in thousands)	Total All workers	Total Hispanic Origin 2/	Mexican Origin	Puerto Rican Origin	Cuban Origin
Total					
Civilian noninstitutional population	170,130	9,310	5,642	1,165	750
Civilian labor force	108,670	5,972	3,757	583	483
Participation rate 1/	63.9	64.1	66.6	50.0	64.4
Employment	100,397	5,348	3,364	504	439
Employment-population ratio	59.0	57.4	59.6	43.3	58.5
Unemployment	8,273	624	393	79	44
Unemployment rate	7.6	10.4	10.5	13.6	9.0
Median duration (weeks)	6.9	5.9	5.0	8.7	10.0
Men 20 Years and Over					
Civilian noninstitutional population	72,419	3,914	2,457	431	328
Civilian labor force	57,197	3,321	2,141	333	264
Participation rate 1/	79.0	84.8	87.1	77.3	80.5
Employment	53,582	3,028	1,957	293	243
Employment-population ratio	74.0	77.4	79.6	68.0	74.1
Unemployment	2,384	293	184	40	22
Unemployment rate	6.3	8.8	8.6	12.0	8.2
Median duration (weeks)	9.0	7.0	5.7	10.9	12.1

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Women 20 Years and older					
Civilian noninstitutional population	81,497	4,220	2,441	563	345
Civilian labor force	42,485	2,106	1,223	208	186
Participation rate 1/	52.1	49.9	50.1	36.9	53.9
Employment	39,590	1,906	1,102	186	172
Employment-population ratio	48.6	45.2	45.1	33.0	49.9
Unemployment	2,895	200	120	21	15
Unemployment rate	6.8	9.5	9.8	10.2	8.0
Median duration (weeks)	6.4	5.0	4.8	7.0	11.5
Both Sexes, 16-19 years					
Civilian noninstitutional population	16,214	1,176	744	171	77
Civilian labor force	8,988	545	393	43	32
Participation rate 1/	55.4	46.3	52.8	25.1	41.6
Employment	7,225	414	304	25	25
Employment-population ratio	44.6	35.2	40.9	14.6	32.5
Unemployment	1,763	131	89	18	7
Unemployment rate	19.6	24.0	22.6	42.5	21.9
Median duration (weeks)	4.8	4.9	4.7	6.2	5.0

Source: Employment and Earnings, March 1982, Bureau of Labor Statistics, U.S. Department of Labor, pp. 157 and 158.

1/ Ratio of civilian labor force to civilian noninstitutional population.

2/ Total Hispanic is greater than sum of ethnic groups shown due to inclusion of persons of Central and South American origin and other Hispanic origin, not shown separately.

TABLE 5: Percent Distribution of Employed Persons of Hispanic Origin, by Occupation and Sex, 1981 Annual Averages

Origin and sex	Total employed		White collar				Blue collar					
	Number (thousands)	Percent	Professional and technical	Managers and administrators	Sales	Clerical	Craft and kindred	except transport	Operatives, equipment operatives	Transport Nonfarm labor	Service	Farm
Total 16 years and older	100,397	100.0	16.4	11.5	6.4	18.5	12.6	10.5	3.5	4.6	13.4	2.7
Total Hispanic	5,349	100.0	8.1	6.6	3.9	16.3	13.2	20.1	4.2	7.3	16.5	3.8
Mexican	3,364	100.0	6.5	5.5	3.5	14.9	14.2	20.7	4.5	8.9	15.5	5.7
Puerto Rican	504	100.0	9.7	6.5	2.8	22.4	10.1	22.8	4.0	5.6	15.9	0.4
Cuban	439	100.0	11.6	10.7	5.9	18.5	13.2	19.4	3.9	4.8	11.8	0.2
Men 16 years and over	57,397	100.0	15.9	14.6	6.1	6.3	20.7	11.1	5.5	7.1	8.9	3.9
Total Hispanic	3,273	100.0	7.7	7.8	3.1	6.4	20.1	18.9	6.6	10.9	13.3	5.2
Mexican	2,144	100.0	5.7	6.3	2.6	5.0	20.9	20.2	6.8	12.7	12.2	7.5
Puerto Rican	306	100.0	8.5	6.9	2.6	13.1	15.4	20.6	6.2	8.5	17.6	0.3
Cuban	256	100.0	12.9	14.5	6.2	9.4	20.7	12.5	6.6	7.4	9.4	0.4
Women 16 years and over	43,000	100.0	17.0	7.4	6.8	34.7	1.9	9.7	0.7	1.3	19.4	1.1
Total Hispanic	2,076	100.0	8.8	4.7	5.1	31.9	2.4	22.0	0.4	1.6	21.4	1.6
Mexican	1,220	100.0	8.0	4.3	5.2	32.4	2.5	21.6	0.5	2.2	21.1	2.5
Puerto Rican	198	100.0	11.6	6.1	3.0	36.4	2.5	25.8	0.5	0.5	13.1	0.5
Cuban	183	100.0	9.9	5.5	4.9	31.9	2.2	29.7	—	1.1	14.8	—

* Source: Bureau of Labor Statistics, U.S. Department of Labor, unpublished data.

1/ Numbers may not add up to 100 due to rounding.

9 percent, respectively). The percentage of Puerto Rican men employed in the service occupations, however, was nearly two times the rate for men overall and between 44 to 90 percent higher than their Mexican and Cuban counterparts. Thus, among the various Hispanic ethnic groups, Puerto Rican men were the most highly represented in the nontransport operative and service occupations which are characterized by low pay and low skills. Hispanic representation in these two occupational groups (nontransport operatives and service) in 1981 was: Puerto Rican, 38.2 percent; Mexican, 32.4 percent; and Cuban 21.9 percent. (For men overall the rate was 20 percent.) On the other hand, Cuban men were the most likely to have the better paying, higher skilled jobs. The percentage of Hispanic men in the professional and technical, managerial and administrative, and craft and kindred occupations (by ethnic group) in 1981 was: Cubans 48.1 percent; Mexicans, 32.9 percent; and Puerto Ricans, 30.8 percent. (For men overall the rate was 51.2 percent.) A major factor why Cuban men have faired better in the U.S. labor market is the fact that they are older and better educated and trained than their Mexican and Puerto Rican counterparts.

VII. HISTORICAL TRENDS 8/

Due to limitations of the data, an analysis of occupational advancement among Hispanics is limited to the 1973-81 period. Although Hispanics are underrepresented in the higher paying and more skilled occupations, they have improved their overall status in the labor market to some extent over the past several years. However, Hispanic men did not do as well as Hispanic women.

Hispanic men were more likely to be employed in the professional and technical, managerial, and craft and kindred worker occupations in 1981 than in 1973, but only marginally so (35.6 percent in 1981 as opposed to 32.4 percent in 1973). The largest occupational declines for Hispanic men were in the non-transport operative and farmworker categories.

Hispanic women, on the other hand, gained in the clerical, professional and technical, and managerial and administrative occupations (see Table 6). The greatest occupational decline for Hispanic women was in the nontransport operative occupations. Generally speaking, Hispanics improved their labor market status relative to the improvement made by all workers.

8/ The discussion in this section is based on the data in Table 6.

TABLE 6: Distribution of Employed Persons, Total and Hispanic Origin, 16 Years and Over, by Occupation and Sex, 1973 and 1981

Occupation	1973 Total	1973 Men	1973 Women	1981 Total	1981 Men	1981 Women
TOTAL						
Total Employed (000's)	84,409	51,963	32,446	100,397	57,397	43,000
Percent Distribution	100.0	100.0	100.0	100.0	100.0	100.0
White-collar workers	47.8	39.9	60.6	52.7	42.9	65.9
Professional and technical	14.0	13.6	14.5	16.4	15.9	17.0
Managers and administrators, nonfarm	10.2	13.6	4.9	11.5	14.6	7.4
Sales workers	6.4	6.1	6.9	6.4	6.1	6.8
Clerical workers	17.2	6.6	34.3	18.5	6.3	34.7
Blue-collar workers	35.4	47.3	16.1	31.1	44.3	13.6
Craft and kindred workers	13.4	20.8	1.4	12.6	20.7	1.9
Operatives, except transport	13.0	12.8	13.3	10.5	11.1	9.7
Transport equipment operatives	3.9	6.0	0.5	3.5	5.5	0.7
Nonfarm laborers	5.1	7.7	0.9	4.6	7.1	1.3
Service workers	13.2	7.9	21.6	13.4	8.9	19.4
Farm workers	3.6	4.8	1.6	2.7	3.9	1.1

HISPANIC*

Total Employed (000's)	3,333	2,158	1,175	5,349	3,273	2,076
Percent Distribution	100.0	100.0	100.0	100.0	100.0	100.0
White-collar workers	28.9	22.9	39.8	34.9	25.0	50.5
Professional and technical	6.5	6.3	6.9	8.1	7.7	8.8
Managers and administrators, nonfarm	5.5	7.1	2.6	6.6	7.8	4.7
Sales workers	3.7	3.2	4.4	3.9	3.1	5.1
Clerical workers	13.2	6.3	25.9	16.3	6.4	31.9
Blue-collar workers	49.8	57.7	35.3	44.8	56.5	26.4
Craft and kindred workers	13.0	19.0	1.9	13.2	20.1	2.4
Operatives, except transport	24.3	20.1	32.2	20.1	18.9	22.0
Transport equipment operatives	4.5	6.9	0.2	4.2	6.6	0.4
Nonfarm laborers	8.0	11.7	1.0	7.3	10.9	1.6
Service workers	15.8	12.2	22.4	16.5	13.3	21.4
Farm workers	5.5	7.3	2.7	3.8	5.2	1.6

Source: Morris J. Newman, A profile of Hispanics in the U.S. work force, Monthly Labor Review, December 1978, p. 11 and Bureau of Labor Statistics, U.S. Department of Labor.

* Hispanic data for 1973 and 1981 are not strictly comparable because the 1981 estimates incorporate the expanded sample size and revised estimation procedures introduced in the national sample in January 1978.

In summary, even though Hispanics were able to improve their occupational standing in the U.S. labor market from 1973 to 1981, they are still overrepresented in the low paying, low skilled occupations. However, it does appear that Hispanics will be able to further improve their occupational status in the U.S. if past trends continue.

VIII. EMPLOYMENT PROBLEMS

A. Education

The educational attainment of the Hispanic population 25 years old and over is significantly below the level of the total population. In March 1979 only 42 percent of Spanish-origin individuals in this age group had completed four years of high school or more compared to nearly 70 percent of the non-Spanish-origin population in the same age group. By national-origin group nearly 35 percent of Mexican-origin, 39 percent of Puerto Rican-origin, and slightly more than 50 percent of Cuban-origin individuals 25 years old or over had completed high school.

Nearly one out of every six (17.6 percent) Hispanics aged 25 or older had not completed even five years of school compared to one out of every 36 for the non-Hispanic population in this age group. Again ethnic differences are evident. One out of every four Mexican-origin, one out of every seven Puerto Rican-origin, and one out of every 14.5 Cuban-origin individuals aged 25 or older had not completed at least five years of school.

At the other end of the educational spectrum, only one out of every fifteen Hispanic-origin individuals (25 years old or over) had completed four years of college (March 1979) as compared to one out of every six in the non-Hispanic population of the same age group. One out of every eight Cubans and one out of every 25 Puerto Ricans and Mexicans aged 25 and over had completed four or more years of college.

While the overall educational attainment level is low, younger Hispanics show significant improvement over their elders. About 57 percent of Spanish-origin individuals aged 25 to 29 have completed four or more years of high school, whereas only 34 percent of Hispanic persons aged 45 to 64 have attained this level. This trend is true across ethnic groups. It should be noted, U.S. Department of Commerce, Bureau of the Census, October 1980, p. 5., however,

TABLE 7: Percent of the U.S. Spanish-Origin Population 25 Years Old and Over, by Years of School Completed, Type of Spanish Origin, and Age: March 1979

Years of school completed and age	Total Spanish origin	Mexican origin	Puerto Rican origin	Cuban origin	Other Spanish origin[1]	Not of Spanish origin[2]
PERCENT COMPLETED LESS THAN 5 YEARS OF SCHOOL						
Total, 25 years and over.....	17.6	23.9	14.4	6.9	6.7	2.8
25 to 29 years.....	8.4	11.7	2.6	(B)	2.1	0.5
30 to 34 years.....	11.8	16.1	8.6	(B)	3.1	0.6
35 to 44 years.....	13.5	19.0	14.3	4.8	3.8	0.9
45 to 64 years.....	21.3	30.0	18.5	5.5	8.3	2.6
65 years and over.....	44.9	64.3	(B)	19.3	20.5	8.3
PERCENT COMPLETED 4 YEARS OF HIGH SCHOOL OR MORE						
Total, 25 years and over.....	42.0	34.9	38.6	50.4	60.8	68.9
25 to 29 years.....	57.1	50.3	59.3	(B)	74.3	87.3
30 to 34 years.....	51.0	42.8	45.0	(B)	79.8	85.6
35 to 44 years.....	44.5	36.0	38.8	59.6	62.5	79.0
45 to 64 years.....	33.5	25.3	26.3	44.5	54.6	65.0
65 years and over.....	15.9	7.1	(B)	26.9	27.3	40.7
PERCENT COMPLETED 4 YEARS OF COLLEGE OR MORE						
Total, 25 years and over.....	6.7	3.9	4.1	12.0	13.8	16.9

B Base less than 75,000.

[1]Includes Central or South American origin and other Spanish origin.

[2]Includes persons who did not know or did not report on origin.

Source: Persons of Spanish Origin in the United States: March 1979, Current Population Reports, Population Characteristics, Series P-20, No. 354, U.S. Department of Commerce, Bureau of the Census, October 1980, p. 5.

that the large gap in education between Spanish and non-Spanish persons 25 to 29 years old is not much different from the large gap between Hispanics and non-Hispanics for all persons 25 years old and over. (See Table 7.)

Low educational levels are a probable major cause of the employment problems experienced by Hispanic workers, particularly Mexican and Puerto Rican workers. Educational attainment has served as a screening criteria for employers and the low educational levels of Hispanics clearly puts them at a disadvantage in the highly competitive low-skilled labor market. Low educational levels also clearly eliminate Hispanics from the better paying, more highly skilled jobs.

B. Duration of Unemployment

A crude measure of the severity of unemployment is the measure of duration of unemployment (length of a current spell). Workers who, on the average, are unemployed for long periods of time are much harder hit by unemployment than those workers with many short spells of unemployment and several jobs over a year.

In 1981 the median duration of unemployment (one-half of the population was unemployed for fewer and the other half for longer than the median) for Hispanics was 5.9 weeks as compared to 6.9 weeks for all workers (see Table 4). The lower median was primarily due to the two weeks shorter duration for adult Hispanic males than all males and 1.4 weeks shorter duration of Hispanic women compared to all women. The median duration for Hispanic teenagers was .1 of a week above the median for all teenagers.

An examination of the ethnic data explains these differences. Unemployed Mexican workers had the shortest duration of unemployment, averaging 5.0 weeks in 1981, considerably shorter than for all unemployed workers (6.9 weeks). The relatively short median duration for Mexican workers, taken together with their high unemployment rate (10.5 percent), indicates that Mexican workers are prone to frequent but relatively shorter spells of unemployment than the average worker. This was true for both adult and teenage Mexicans. Adult Puerto Ricans and Cubans experienced both high median durations of unemployment and high unemployment rates in 1981. (See Table 4.) This indicates a problem of long-term unemployment.

TABLE 8: Reasons for Unemployment, 1981

	Percent distribution of unemployed											
	Total				Hispanic				Mexican			
	Total	Both Sexes 16-19 Years	Male 20 years and over	Female 20 years and over	Total	Both Sexes 16-19 Years	Male 20 years and over	Female 20 years and over	Total	Both Sexes 16-19 Years	Male 20 years and over	Female 20 years and over
Total: number (000's)	8,273	1,763	3,615	2,895	624	131	293	200	393	89	184	120
percent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Job losers	51.6	21.9	71.0	45.4	56.6	26.9	75.8	48.2	56.4	27.0	76.1	48.3
on layoff	17.3	5.3	24.7	15.3	16.7	6.2	20.8	17.6	16.5	6.7	21.2	16.7
other	34.3	16.6	46.3	30.1	39.9	20.8	54.9	30.7	39.9	20.2	54.9	31.7
Job leavers	11.2	9.2	9.9	14.0	10.3	6.9	11.6	10.6	10.2	7.9	12.0	9.2
Job entrants	37.3	68.9	19.2	40.5	33.0	66.2	12.6	41.2	33.3	65.2	12.0	42.5
re-entrants	25.4	27.6	16.4	35.3	20.8	25.4	10.9	32.2	20.9	24.7	10.9	33.3
new entrants	11.9	41.3	2.8	5.2	12.2	40.8	1.7	9.0	12.5	40.4	1.1	9.2

TABLE 8. Reasons for Unemployment, 1981—Continued

	Percent distribution of unemployed							
	Puerto Rican				Cuban			
	Total	Both Sexes 16-19 Years	Male 20 years and over	Female 20 years and over	Total	Both Sexes 16-19 Years	Male 20 years and over	Female 20 years and over
Total: number (000's)	79	18	40	21	44	7	22	15
percent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Job losers	53.2	21.1	73.1	40.9	59.1	14.3	76.2	57.1
on layoff	15.1	5.3	19.5	13.6	22.7	—	23.8	28.6
other	39.2	15.8	53.7	27.3	36.4	14.3	52.4	28.6
Job leavers	12.7	5.3	14.6	18.2	9.1	14.3	4.8	14.3
Job entrants	34.2	73.7	12.2	40.9	31.8	71.4	19.0	28.6
re-entrants	19.0	26.3	7.3	31.8	18.2	28.6	19.0	14.3
new entrants	15.2	47.4	4.9	9.1	13.6	42.9	—	14.3

Source: U.S. Department of Labor, Bureau of Labor Satistics, Employment and Earnings, March 1981 and unpublished data.

For all Hispanic ethnic groups, rapid job turnover is evident for teenagers. Their median duration of unemployment ranged between 4.7 and 6.2 weeks while their rates of unemployment were in the 22 to 43 percent range.

C. Reasons for Unemployment

Unemployed individuals are in that status for one of three reasons: (1) they lost their last job (on layoff or were released for other reasons); (2) they quit their job; or (3) they are new entrants or reentrants into the labor market. In 1981 Hispanic workers were more likely to have been unemployed because they involuntarily lost their job (see Table 8) than for any other reason (39.9 percent). The next highest reason was re-entry into the labor market without finding a job (33.0 percent). Together, these two groups accounted for nearly three quarters of the unemployed Hispanics in 1981. There are, however, significant age, sex, and national-origin differences. Nearly two-thirds of Hispanic teenagers were unemployed because they were unsuccessful new or reentrants into the labor market; 21 percent were involuntarily separated from their jobs. In the case of adult Hispanic males, more than 75 percent were job losers (nearly 21 percent on layoff and nearly 55 percent involuntarily separated). On the other hand, while the primary reason for adult Hispanic female unemployment was also job loss (18 percent on layoff and 31 percent involuntarily separated), being an unsuccessful new job entrant or re-entrant ran a close second (41.2 percent).

Mexican workers reasons for unemployment closely paralleled the reasons for all Hispanic workers in 1981. Unemployed Puerto Rican and Cuban teenagers were more likely to be new entrants than Mexican teenagers and less likely to have involuntarily lost their last job. Mexican, Puerto Rican, and Cuban adult males were about equally likely to have been unemployed as a result of losing their last job (52.4 percent for Cuban adult males, 53.7 and 54.9 percent for Mexcian and Puerto Rican adult males respectively). Puerto Rican adult males were more likely to be unemployed because they quit their last job than any other Hispanic group, and unemployed Cuban adult males were much more likely to be new-entrants or re-entrants into the labor market than their Mexican and Puerto Rican counterparts (19 percent, 12 percent, and 12 percent respectively).

There is a large disparity for the reasons of unemployment across adult female Hispanic ethnic groups. Unemployed adult Cuban women were primarily job losers (28.6 percent on layoff and 28.6 percent involuntarily separated). About 29 percent of the unemployed adult Cuban women were new or re-entrants into the labor market. While unemployed Mexican adult women were also primarily job losers (17 percent on layoff, 32 percent involuntarily separated), they were nearly as likely to be unemployed because of unsuccessful entry into the labor market (43 percent). Unemployed Puerto Rican adult females in 1981 were unsuccessful job entrants (32 percent re-entrants and 9 percent new entrants) and job losers (14 percent on layoff, 27 percent involuntarily separated).

Hispanic workers are becoming an increasingly important sector of the U.S. labor force. In 1981 one out of every eighteen workers was of Hispanic origin. While comprising 5.5 percent of the civilian labor force in 1981, Hispanics accounted for 7.5 percent of the unemployed. A major problem of Hispanic workers is their low educational attainment level. Almost 20 percent of Hispanics 25 years old and over in 1979 had not completed even five years of school. Younger Hispanics are, however, making significant improvements over their elders and over the next decade this problem should abate.

Job stability appears to be a major problem of Hispanic teenagers as it is for teenagers in general. Adult Puerto Rican men and adult Cuban men and women suffer from longer term unemployment. The primary reason for unemployment of Hispanic teenagers in 1981 was unsuccessful new entry and re-entry into the labor market. Unemployed adult Hispanic men in 1981 were primarily involuntary separations, although a large proportion of adult Cuban men were new entrants or re-entrants into the labor market (19 percent as compared to 12 percent for both adult Mexican and Puerto Rican men). While unemployed Mexican, Puerto Rican and Cuban adult women in 1981 were primarily job losers, this was much more the case for Cuban women. Puerto Rican and Mexican women were more likely to have been unemployed because of re-entry into the labor market than adult Cuban women.

The data presented in this paper indicate that while there are some common employment problems of Hispanic workers, significant differences do exist among ethnic Hispanic groups. Thus, any programs and policies aimed at Hispanic employment problems must be carefully evaluated to determine which group or groups of Hispanic workers will be most heavily impacted.

CHAPTER 6

NATIONAL ORIGIN DISCRIMINATION AGAINST HISPANICS IN EMPLOYMENT

by
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Employment discrimination on the basis of national origin is expressly prohibited by title VII of the 1964 Civil Rights Act 1/ in the same manner as discrimination because of race, color, or religion. Consequently, title VII does not give rise to the problem, frequently encountered in suits under the 1866 Civil Rights Act 2/ which has likewise been applied to claims of racially based employment discrimination, of drawing a line between race and national

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1/ See, 42 U.S.C. 2000e-2. In its proposed revision of Guidelines on Discrimination Because of National Origin, the Equal Employment Opportunity Commission (EEOC) defines "national origin discrimination" broadly as including, but not limited to "the denial of equal employment opportunity because of an individual's, or his or her ancestors, country of origin; or because an individual has the linguistic or cultural characteristics of a particular national origin." Among the specific considerations the Commission will examine to determine whether an individual is the victim of national origin discrimination are:

> (a) marriage to or association with persons of particular national origin; (b) membership in, or association with, an organization identified with or seeking to promote the interests of national groups; (c) attendance or participation in schools, churches, temples or mosques, generally used by persons of a particular national origin; and (d) because an individual's name or spouse's name indicates a particular national origin. 45 Fed. Reg. 62729, § 1606.1 (September 19, 1980).

2/ The statutory sanctions against discrimination in the 1866 and 1871 Civil Rights Act, 42 U.S.C. 1981, 1983, 1985(3), have each been held to provide a basis for relief in employment cases. Section 1981, which grants all persons in the United States the "same right" to "make and enforce contracts" as white citizens, has been applied to racial discrimination in both public and private employment. See, e.g., Johnson v. Railway Express Co., 41 U.S. 454 (1972). (continued) Section 1983, enacted as part of the 1871 Civil Rights Act, provides a remedy against any "person" who, acting under color of State law, has caused a deprivation of federally protected rights, including equal access to public employment. Another provision of the 1871 Act, 42 U.S.C. 1985(3), makes liable all persons who conspire to deprive another of equal protection of the laws and has also been interpreted to prohibit discrimination in public employment. Milner v. National Institutes of Health, 409 F. Supp. 1389 (E.D. Pa. 1976).

origin. The great bulk of title VII cases in the latter category have involved Hispanic origin under a variety of names—Chicano, Spanish-surnamed persons, Hispanics, Mexican-Americans, Puerto Ricans, among others,—and the courts, without specific discussion, have generally included these groups together with racial minority plaintiffs because the distinction is irrelevant to the application of Title VII principles.

Although the problem of national origin identification is less apt to arise when an individual plaintiff's status is in question, as when his own personal promotion or discharge is at issue, there may be difficulty when the task is one of delimiting a class or group designated as "Hispanic" or "Spanish surnamed." For example, in Castro v. Beecher, 3/ the class on whose behalf two rejected Puerto Rican applicants for a police position brought suit under 42 U.S.C. 1983 was described as "Spanish surnamed persons." Judge Wyzanski noted the difficulty with this kind of class characterization as follows:

> 'Spanish-surnamed persons' is a term which would apply to a native American with a Spanish surname whose ancestors had for generations lived in the United States, to a person with a Spanish surname born in Madrid and educated at its famous university, and to many others who obviously are not in the same class as any of the named plaintiffs. What the pleader pesumably meant was persons who were born in Puerto Rico, Cuba, or other Caribbean countries, whose primary language is Spanish, and who have not had education and training comparable to that received by most mainstream white Americans. 4/

The same difficulty is confronted in perhaps the most common type of national origin discrimination case where a minority category is to be identified for purposes of demonstrating disparate impact of an employment test or other neutral selection procedure on that category. 5/

Apart from title VII, it is generally held that national origin discrimination is not covered by the 1866 Civil Rights Act. 6/ The reason for this derives from the language of section 1981 which provides that all "persons" shall have the same right to make and enforce contracts as "white citizens." The reference to "white" suggests that the protection of the statute is limited to race or color. Nonetheless, the issue of whether Hispanics are covered by section 1981 has produced a difference of opinion. The cases holding Hispanics

3/ 334 F. Supp. 930 (D. Mass. 1971), aff'd in part, rev'd in part, 459 F. 2d 725 (1st Cir. 1972).

4/ 334 F. Supp. at 934.

5/ See, e.g., Griggs, v. Duke Power Co., 401 U.S. 424 (1971).

6/ See, Jones v. Alfred H. Mayer, Co., 392 U.S. 409 (1968): Runyan v. McCrary, 427 U.S. 160 (1976); McDonald v. Sante Fe Transportation, 427 U.S. 273 (1976).

not covered usually rely on the ground that discrimination against these groups is based on national origin, not on race, and that therefore the general rule excluding national origin discrimination from section 1981 coverage controls. 7/

The cases that have applied section 1981 to Hispanics have, however, typically done so, not on the ground that the statute covers national origin discrimination as such, but on various grounds touching the quasi-racial character of the classification or the pragmatic consideration arguing for such protection. In Gomez v. Pima County 8/ the district court held that Mexican-Americans "of brown race or color" who allege that they have been discriminated against on the basis of race or color have a cause of action under section 1981, but have no such claim based on national origin. On the other hand, in Martinez v. Hazelton Research Animals, Inc., 9/ the plaintiff alleged that he was a Hispanic male and that his employer discriminated against him "because of his racial and ethnic background." The court held that the mere assertion that he was Hispanic was insufficient to support a charge of racial discrimination, "because many people of Hispanic origin cannot be classified as 'non-white.'" The implication seems to be that the only way the plaintiff could state a claim under section 1981 is to allege not only that he is Hispanic, but a non-white Hispanic, and that it is for this reason that he suffered discrimination. Alternatively, a few courts have adopted a "pragmatic" approach, finding the concepts of race and color to be vague and unreliable and holding instead that Hispanics are covered by section 1981 because, like blacks, they "have been traditionally victims of group discrimination." 10/

The usual forms taken by discrimination--involving hiring, firing, promotion, classification, seniority, pay benefits and the like--present no particularly distinctive problems as applied to Hispanics than to other racial or ethnic minorities. In addition, however, the tolerating of ethnic insults or ridicule by supervisors or co-employees, segregated work assignments, and the use of employment criteria that screen out a disproportionate number of Hispanics and are not job related may be practices of some special interest in the present context.

7/ E.g., Martinez v. Hazelton Research Animals, 430 F. Supp. 186 (D. Md. 1977).

8/ 15 F.E.P. Cases 595 (D. Ariz. 1976).

9/ 430 F. Supp. 186 (D. Md. 1977).

10/ Budinsky v. Corning Glass Works, 425 F. Supp. 786 (W.D. Pa. 1977); Ortega v. Merit Insurance Co., 433 F. Supp. 135 (N.D. Ill. 1977); Manzanares v. Safeway Stores, 593 F. 2d 968 (10th Cir. 1979).

As in the corresponding area of racial discrimination, most of the reported cases involving ethnic slanders or jokes are quite old, and practically all are at the EEOC level. Just as it is a violation of title VII for supervisors to call black employees "Niggers," 11/ so is it for an employer to call Mexican-American employees "dirty greasers." 12/ And just as the statute forbids the employer's tolerating ethnic jokes offensive to blacks, so the employer may not permit fellow employees to taunt Hispanic employees with such jokes. 13/ Moreover, the EEOC has taken the position that the employer has an affirmative duty to investigate and punish this kind of conduct, as part of his basic obligation to maintain an employment atmosphere free of ethnic insults, whether the offenders are supervisors or even merely employees. 14/ Merely to transfer the Hispanic victim of ethnic harrassment, instead of disciplining the offender has been held by the EEOC an inadequate response to this kind of problem. 15/

Minimum height requirements, and to a lesser extent, minimum weight requirements, tend to exclude a disproportionate number of Mexican-Americans and other Hispanics, and accordingly have been held to support a prima facie case of discrimination under the rules of Griggs v. Duke Power Co., 16/ unless shown to be job-related. The issue has arisen most frequently in connection with minimum height standards for police and firefighters, with the plaintiffs sometimes being Hispanics, sometimes women, and sometimes both. 17/

The leading case striking down such a height requirement as discriminatory against Mexican-Americans is Davis v. County of Los Angeles. 18/ This was a class action brought on behalf of all past, present, and future black and Mexican-American applicants for positions as firemen, alleging discrimination in hiring by the county. The district court held that the fire department's 5'7"

11/ EEOC Decision 72-0779, 4 FEP Cases 317 (December 30, 1971).

12/ EEOC Decision YAL-078 (1969) (unreported).

13/ EEOC Decision CL 68-12-341 E.U., 2 FEP Cases 295 (December 16, 1969).

14/ EEOC Decision 72-1561, 4 FEP Cases 852 (1972).

15/ EEOC Decision 72-0621, 4 FEP Cases 312 (December 22, 1971).

16/ 401 U.S. 424 (1971).

17/ Minimum height requirements of 5'6", 5'7", or even 5'8" are quite common among police and fire departments. This, coupled with the statistical fact that the average height of Hispanic American males is 5'4 1/2" compared with 5'8" for Anglo males, clearly provides a basis for a prima facie case of "neutral selection criteria" discrimination. EEOC Decision 71-1529, 3 FEP Cases 952 (May 9, 1972).

18/ 556 F. 2d 1334 (9th Cir. 1976), vacated for mootness 440 U.S. 625 (1979).

standard for job applicants was a valid requirement. The Ninth Circuit reversed. Discriminatory impact was found established by a showing that 45% of otherwise eligible Mexican-American applicants were excluded by the standard. This, coupled with the fact that the county had not met its burden of showing the height minimum to be job-related, invalidated the requirement. In another California case, Officers for Justice v. Civil Service Commission, 19/ A pre-selection height requirement for the average height of Asians and Hispanics, as well as females. A preliminary injunction against the height requirement was granted until it could be validated by being shown to be job related.

There appears to be no solid contrary authority on job-relatedness in national origin cases, although adequate job-relatedness of height standards has been found in some sex discrimination cases. 20/ In addition, height requirements have been upheld where necessary for the safe and efficient operation of an employer's machines and equipment. Thus, in Boyd v. Ozark Air Lines, Inc., 21/ 5'5" was found a necessary minimum height standard for an airline pilot because of cockpit design.

Although there is relative little title VII law on the problem, a leading decision on possible linguistic discrimination in employment is Frontera v. Sindell. 22/ The Sixth Circuit there weighed the difficulties of accommodating a prospective employee's special language needs against the discriminatory impact of the employer's practice in finding that the Equal Protection Clause did not require that civil service examinations be given in Spanish for Spanish-speaking applicants. The action arose when Dominic Frontera, a Puerto Rican who had been working as a carpenter under temporary assignment to the airport, applied for and took the civil service examination of the City of Cleveland for a permanent appointment. Frontera charged that he failed the carpentry examination because it was conducted in English, which was a second language to him.

20/ See. e.g., Smith v. Trodyan, 520 F. 2d 492 (6th Cir. 1975) cert. denied 426 U.S. 934 (1976); Dothard v. Rawlinson, 433 U.S. 321 (1977).

21/ 419 F. Supp. 930 (D. Mass. 1971), aff'd in part and rev'd in part, 459 F. 2d 725 (1st Cir. 1972).

22/ 522 F. 2d 1215 (6th Cir. 1975)

19/ 395 F. Supp. 378 (N.D. Ca. 1975).

Frontera filed his complaint alleging an equal protection violation and a deprivation of his civil rights under 42 U.S.C. 1981, 1983, and 1985. It appeared that Frontera had substantial skill as a carpenter and received 67 out of a possible 100 points on the examination. Seventy points was the lowest passing score. The examination consisted of a performance section and a written section. Frontera testified that he did not understand all the oral instructions in the performance section nor all the words in the written portion. The district court held that the defendant must prove a "compelling governmental interest" in giving the test in English, since the test operated to discriminate against Spanish-speaking people. The court found this burden satisfied by the city's need to administer a uniform civil service examination, free from possible taint of corruption or of a spoils system.

The appeals court affirmed, but on the ground that the difficulty of administering an examination in a foreign language for any applicant of foreign origin, combined with the general establishment of English as the national language, provided a rational basis for the city's use of only one language. The appeals court stated:

> If civil service examinations are required to be conducted in Spanish to satisfy a few persons who might want to take them what about the numerous other nationalities which inhabit metropolitan Cleveland? These other nationality groups would have just as much right as Frontera to have their examination conducted in their own language. The city could not conduct the examination in Spanish and deny any other nationalities the same privilege. Denial to any nationality would be invidious discrimination. 23/

The Sixth Circuit distinguished the Supreme Court's decision in Lau v. Nichols, 24/ involving San Francisco's failure to provide special English language instruction to about 1800 students of Chinese ancestery, since that decision was based on a specific statute, title VI of the 1964 Civil Rights Act, and implementing regulations, and not the Federal Constitution.

The EEOC has had several occasions to address the distinctive discrimination problem posed by linguistic barriers. In an early case, 25/ the Commission ruled that English fluency could be equated with employment

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23/ 552 F. 2d at 1219.

24/ 414 U.S. 563 (1974).

25/ EEOC decision AL69-1-1[illegible]5, 1 FEP Cases (May 19, 1965).

"tests" under Griggs v. Duke Power Co., which would mean that, given the apparent disparate impact of such a requirement on Spanish-speaking applicants, the employer would have the burden of proving the job-relatedness of the requirement. The EEOC has also found national origin discrimination in employer rules either requiring use of English exclusively in the plant or forbidding speaking another language such as Spanish, unless the rule is justified by considerations of efficiency or safety. 26/

One final area of employment discrimination affecting Hispanics that has been considered by the courts relates to the refusal to employ an individual because he or she is an alien. The Supreme Court, in Espinoza v. Farah Manufacturing Co., 27/ held that employment discrimination based on noncitizenship is not covered by Title VII. The suit there was filed against an employer for failure to hire a Mexican citizen solely because of her alien stautus. It was asserted that this constituted national origin discrimination prohibited by section 703 of title VII. The Supreme Court disagreed, and held that an employer's decision not to employ a person because he or she is not a United States citizen would not constitute discrimination on the basis of national origin prohibited by title VII.

The Court found support for its holding in the "plain language" of the statute, noting that the term "national origin" on its face refers to the country where a person was born or, more broadly, the country from which his or her ancestors came, but does not refer to citizenship. The Court also found it significant that various Presidential executive orders, as well as section 701(b) of title VII, have made it unlawful for the Federal Government as an employer to discriminate on the basis of national origin but that the Government had for for many years denied aliens the right to enter competitive examinations for Federal employment. This practice was founded upon an interpretation that it did not constitute national origin discrimination, which the court found reasonable and supported by the legislative history of title VII. That history revealed no intent on the part of Congress to reverse the long standing practice of requiring Federal employees to be United States

26/ See, Garcia v. Gloor, 616 F. 2d 264 (5th Cir. 1980), cert. denied 80-810 (1/19/81); also, proposed revision of Guidelines on Discrimination Because of National Origin, § 1606.7, 45 Fed. Reg. 62730 (September 19, 1980).

27/ 414 U.S. 86 (1973).

citizens by express inclusion of national origin as a prohibited category of discrimination in title VII.

While it is clear under Espinoza that the mere imposition of a citizenship requirement for employment, without more, is not a violation of title VII, it also appears from the opinion that title VII prohibits an employer from using citizenship as a pretext for national origin discrimination. "The Act proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation," the Court stated citing Griggs v. Duke Power Co. Thus, if it could be shown, by means of statistical evidence or otherwise, that an applicant's rejection by an employer on the grounds of alien status was with the purpose or effect of discriminating because of national origin, a title VII action might lie. In Espinoza the plaintiff could not meet this burden by means of statistics, because the evidence showed that 96% of the employees at the employer's plant were Mexican-Americans. Employment discrimination on the basis of alienage has also been held covered by section 1981. 28/

The Fifth Amendment protects aliens as well as citizens from deprivation of life, liberty, or property without due process of law, and thus to a certain extent prohibits discriminatory Federal Government action against aliens. However, the Supreme Court has recognized that the responsibility for regulating the relationship between the United States and aliens has been committed to the executive and legislative branches of the Federal Government. 29/ As a consequence, the Court has given a high degree of deference to the decisions made by Congress or the President in the area of immigration and nationality. For example, the Supreme Court in Hampton v. Mow Sun Wong 30/ held unconstitutional a Federal regulation promulgated by the U.S. Civil Service Commission which excluded aliens from employment in Civil Service jobs only because it was not shown to promote the efficiency of the service, which the Court stated was the Commission's only legitimate concern. The Court assumed, without deciding, that "Congress and the President have the constitutional

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28/ Jones v. United Gas Improvement Corp., 68 F.R.D. 1 (E.D. Pa. 1975).

29/ Mathews v. Diaz, 426 U.S. 67 (1976).

30/ 426 U.S. 88 (1976).

power to impose the requirement (of citizenship) that the Commission has adopted." Thereafter, the President did issue an executive order which prohibited aliens from applying for most civil service position. 31/ This order was held constitutional on remand of the same case. 32/

In recent years, the Supreme Court has court has also considered the question of aliens rights under the Equal Protection Clause, and noting that aliens are as a class "a prime example of a discrete and insular minority," held that classifications based on alienage are "subject to close judicial scrutiny." 33/ Accordingly, in the area of employment opportunities, State statutes which have denied aliens licences to practice law, 34/ or licences to engage in engineering, 35/ or eligibility for a broad range of public employment 36/ have been held unconstitutional. In one important area, however, State discriminatory action against aliens has been permitted. In Sugarman v. Dougall, the Court ruled that aliens may be barred from holding "important nonelective executive, legislative, and judicial positions." Persons in these positions "participate directly in the formulation, execution, or review of broad public policy," and citizens need not allow aliens in these offices because citizens have the right if they so desire "to be governed by their citizen peers." Although the full range of "policy" positions included remains unclear, in Foley v. Connelie, 37/ the Court found that a State police officer was a nonelective executive position that could be constitutionally limited to citizen applicants only.

31/ Executive Order 11935, 42 Fed. Reg. 37301.

32/ Mow Sun Wong v. Hampton, 435 F. Supp. 37 (N.D. Cal. 1977), aff'd sub nom., Mow Sun Wong v. Campbell, 626 F. 2d 739 (9th Cir. 1980).

33/ Graham v. Richardson, 403 U.S. 365 (1971).

34/ In re Griffiths, 413, U.S. 717 (1973).

35/ Examining Board v. Flores de Otero, 426 U.S. 572 (1976).

36/ Sugarman v. Dougall, 413 U.S. 634 (1973).

37/ 435 U.S. 292 (1978).

CHAPTER 7

HEALTH OF HISPANICS

by
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The health status of a population is usually determined by analyzing the incidence-of-disease (morbidity) and incidence-of-death (mortality) data for that population. This method is not feasible, however, for determining the health condition of the U.S. Hispanic population because comprehensive, nationwide morbidity and mortality data for Hispanics are not yet available, even though the compilation of such data is underway. Researchers of Hispanics' health have presented their views as to the reasons for this lack of data. In 1972, for example, Roberts and Askew 1/ identified four reasons for the lack of data on Mexican-Americans at that time:

1. Many areas in the United States have few or no persons of Mexican-American descent. More than four-fifths of this population live in five States: Texas, Colorado, New Mexico, Arizona, and California. [Although they do not elaborate why this causes lack of data, presumably the absence of significant numbers of Hispanics in some States discourages, if not precludes, collection of such data in them and, therefore, on a nationwide basis.]

2. Even in the southwest, where Chicanos constitute a significant portion of the population, vital and health statistics typically are not recorded using Mexican-American, Latin, or Spanish descent as a racial or ethnic classification. Members of this ethnic group are considered white for statistical purposes by most agencies, including the National Center for Health Statistics and the Bureau of the Census.

1/ Roberts, R.E. and C. Askew, Jr. A Consideration of Mortality in Three Subcultures. Health Services Reports, v. 87, March 1972: 262-263.

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3. Before 1950 even basic population data upon which to base vital rates were lacking or at best, unreliable. In 1950 data relating to persons of Mexican-American descent were obtained by the Census Bureau by identifying white persons of Spanish surname on the census schedules. These data were published for the five States mentioned previously. The Census Bureau used this same procedure during the 1960 census to identify persons with Spanish surnames (2,3). Obviously this procedure is costly, time consuming, and not often attempted. The National Center for Health Statistics does not publish data in this form.

4. For the past several decades ethnic studies in this country have been limited almost exclusively to the Negro-American or black subculture, to the neglect of other disadvantaged minority groups such as the American Indian or the Mexican-American subcultures. Consequently, a great deal more is known about the morbidity and mortality patterns for black Americans as well as for white or Anglo-Americans.

In 1978, Juarez 2/ presented two reasons for lack of data on the entire Hispanic population.

> There may be several reasons behind this neglect but they all seem to total up to at least two themes: (1) an apparent lack of effective assertiveness on the part of our Spanish Origin population in requesting this type of comprehensive statistics and (2) and an ethnically unsensitized dominant white society.

To the extent that they exist, most available characteristic health data on the Hispanic population have been collected primarly at the State and local levels. These data are limited because they are usually collected on a specific subpopulation, are small in size, and possibly unrepresentative of the entire Hispanic population. Minimal data exist on Hispanics at the national level.

The Ten State Nutrition Survey 3/ in which morbidity data were compiled on Hispanics, was conducted in 1968-70. It was focused on nutrition and dental

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2/ Juarez, Rumaldo Z. Vital and Health Statistics of the Spanish Origin Population in the United States. Paper presented at the Annual Meeting of the American Public Health Association, October 15-19, 1978. p. 2.

3/ U.S. Department of Health, Education, and Welfare: Ten-State Nutrition Survey 1968-1970, Volumes I-V. Atlanta, Georgia: Center for Disease Control, 1972. The Health of Mexican Americans: Evidence from the Human Population Laboratory Studies. American Journal of Public Health, v. 70, April 1980. 375-384.

problems of 38,000 children and adults. Hispanics surveyed were Mexican-Americans (Southwest), Puerto Ricans (New York) and migrant workers. Results showed that Hispanics had a nutritional deficiency rate 4 percent higher than the percentage rate for other whites (10 percent), while Native Americans had a rate of 18 percent and blacks had the highest rate of 33 percent.

The 1976 Health Interview Survey 4/ "presents statistics on several health characteristics [limitation of activity due to chronic conditions, doctor visits in past year, short-stay hospital episodes in past year, days of restricted activity per person per year, days of bed disability per person per year, and days lost from work per currently employed person per year] on four population groups: the total United States civilian noninstitutionalized population, those of Spanish origin, the black population, and all others." These data show that blacks and those of Spanish origin reported about the same rate of days of bed disability, the other group's rate was somewhat lower. On doctor visits in the past the Spanish-origin rate was lower than the rates for blacks and others. The three groups had about the same rate for short-stays in the hospital. The rates appear in table 1. The Spanish-origin group showed similar rates as the other groups for limitation of activity due to chronic conditions and days lost from work.

In their earlier noted 1972 report, Roberts and Askew 5/ examined differences in mortality rates over time for three groups: (1) "Chicanos (white persons of Spanish surnames)", (2) blacks, and (3) Anglos. They examined mortality data from Houston, Texas for the period 1940-67. These data showed

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4/ U.S. Department of Health and Human Services, Public Health Service National Center for Health Statistics, Health Characteristics of Minority Groups, Advanced Data Report No. 27, April 1978.

5/ Roberts and Askew. A Consideration of Mortality in Three Subcultures. Health Services Reports, v. 87 March 1972: 262-270.

Table 1. Unadjusted and age-adjusted percentages or rates of selected health characteristics, by national origin or race and family income: United States, 1976

Characteristics and family income	Total[1] population	Spanish origin[1]	Black[1]	Other	Total population	Spanish origin[1]	Black[1]	Other
	Unadjusted percentage or rate				Age-adjusted[2] percentage or rate			
Limitation of activity due to chronic conditions								
All incomes[3]	14.3	9.5	14.8	14.6	14.3	13.5	17.4	14.0
Less than $5,000	28.8	17.2	24.9	31.3	23.1	19.7	24.9	23.0
$5,000-$9,999	17.1	9.5	12.3	18.0	16.3	13.4	16.0	16.6
$10,000-$14,999	11.3	6.6	9.7	11.8	13.2	12.3	13.3	13.3
$15,000 or more	8.8	5.1	7.1	9.0	10.8	*12.1	10.4	10.8
Doctor visit in past year								
All incomes[3]	75.5	69.5	73.5	76.2	75.5	70.4	74.2	76.2
Less than $5,000	76.7	70.6	75.7	77.8	76.0	70.7	76.5	77.0
$5,000-$9,999	73.8	67.7	70.1	75.3	73.6	68.8	71.7	74.8
$10,000-$14,999	75.1	70.2	74.4	75.5	75.5	72.2	75.5	75.8
$15,000 or more	77.3	73.1	78.5	77.4	77.6	73.8	78.2	77.7
Short-stay hospital episode in past year								
All incomes[3]	10.6	9.3	10.0	10.8	10.6	10.4	10.6	10.6
Less than $5,000	14.0	11.1	12.7	14.7	12.8	11.7	13.7	12.6
$5,000-$9,999	11.9	10.2	9.0	12.7	11.7	11.4	9.9	12.0
$10,000-$14,999	10.4	8.5	9.4	10.7	11.0	*9.8	10.6	11.1
$15,000 or more	9.1	7.6	9.0	9.1	9.7	*9.1	9.0	9.7
Days of restricted activity per person per year								

All incomes[3]	18.2	17.1	20.6	18.0	18.2	20.3	23.3	17.6
Less than $5,000	32.5	26.5	30.7	33.8	28.4	29.2	31.2	28.1
$5,000-$9,999	20.3	18.4	17.4	21.1	19.8	21.0	21.2	19.7
$10,000-$14,999	15.7	14.8	15.4	15.8	16.8	19.0	17.6	16.7
$15,000 or more	12.8	10.0	13.7	12.9	13.9	*13.2	14.9	13.8
Days of bed disability per person per year								
All incomes[3]	7.1	8.4	9.0	6.8	7.1	9.3	9.9	6.6
Less than $5,000	12.1	14.9	12.3	11.7	11.0	16.3	12.8	10.1
$5,000-$9,999	8.2	8.1	7.7	8.4	8.0	8.8	9.2	7.8
$10,000-$14,999	5.9	7.0	5.9	5.9	6.3	*5.4	5.9	6.2
$15,000 or more	5.1	4.8	7.5	4.9	5.7	*4.2	*8.5	5.5
Days lost from work per currently employed person per year								
All incomes[3]	5.3	4.9	7.4	5.1	5.3	5.0	7.4	5.1
Less than $5,000	5.8	*5.7	7.4	5.5	5.9	*	7.2	5.5
$5,000-$9,999	6.1	5.1	7.1	6.0	6.2	*5.4	7.1	6.1
$10,000-$14,999	5.5	5.9	6.2	5.4	5.5	*5.6	*6.0	5.4
$15,000 or more	4.7	3.6	8.4	4.5	4.6	*	8.2	4.4

[1] Persons reported as both of Spanish origin and black are included in both categories.
[2] Adjusted by the direct method to the age distribution of the civilian noninstitutionalized population or that of the currently employed population.
[3] Includes unknown income.

Source: U.S. Department of Health, Education, and Welfare. The National Center for Health Statistics, Vital and Health Statistics. Health Characteristics of Minority Groups, United States, 1976. April 14, 1978.

that mortality rates from all causes for both Chicano males and females dropped over time. In 1950 Chicano males and females experienced higher age adjusted death rates per 100,000 (males 1,395 and females 1,296) than both the Anglo (males 990 and females 625) and black (males 1,291 and females 1,077) groups. Their 1960 mortality rates,however, showed a considerable decrease, placing the Chicano group rates (males 979 and females 806) between the Anglo group (males 951 and females 543) and the black group (males 1,223 and females 921) rates for 1960, although all three groups' rates dropped.

Using binary regression analysis, Robert and Lee 6/ found ethnicity and socioeconomic status were not good predictors of health status. The two most important health status predictors in both samples were age/sex and perceived health.

Roberts and Lee 7/ also compared selected physical health indicators (chronic conditions, disability, illness symptoms, and physical energy) for three ethnic groups (Anglos, blacks and Chicanos) while controlling for the effects of age, sex, martial status, family income, education and perceived health. They used data from two surveys on Mexicans conducted in 1974 and 1975 in Alameda County by the Human Population Laboratory. These surveys were identified as Study 11 and Study 12. In Study 11, conducted in 1974, Roberts and Lee made comparisons among the three ethnic groups; in Study 12, conducted in 1975, they compared only Anglos, and Chicanos. For both studies, respondents were persons who returned questionnaires or supplied information to interviewers. Study 11 had 3,119 respondents (2,312 households were

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6/ Robert and Lee. The Health of Mexican Americans: Evidence from the Human Population Laboratory Studies: 375-384.

7/ Ibid. p. 375-384.

sampled containing 4,209 adults). Of the 3,119 respondents 73 percent designated themselves as Anglo, 12 percent as black, and 5 percent as Chicano or Mexican-American. Study 12 had 657 respondents (487 households were sampled containing 947 adults) from five Alameda County census tracts with the largest concentrations of persons of Spanish language and surname. Study 12 questionnaires were sent out in both English and Spanish. Of the 657 responded, 53 percent categorized themselves as Anglos and 39 percent as Mexican-American or Chicano. The other 8 percent were not defined in the study. Perceived health status of repondents was determined by asking them to rate their health as poor, fair, good, or excellent.

In Study 11, 22 percent of Chicanos, 14 percent of Anglos and 32 percent of blacks perceived their health status as fair or poor. "Based on Physical Health scores, nearly 41 percent of the Chicanos in Study 11 report no health problems, compared to 30 percent for Anglos and 23 percent for Blacks. The percentages reporting disability were 13.6 for Chicanos, 16.2 for Anglos and 27.3 for blacks. For chronic conditions, the percentages were 38.3 for Chicanos, 41.1 for Anglos, and 55.0 for blacks. In study 12 the proportion reporting no health problems were quite similiar, 30 and 33 percent respectively for Anglos and Chicanos. Chicanos reported slightly more disability than Anglos (20 vs. 18 percent) and slightly less chronic conditions (40 vs. 45 percent) than Anglos." 8/

According to Roberts and Lee, the Alameda County data are consistent with the 1976 HIS data and two other studies on cardiovascular disease which report

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8/ Ibid. p. 379.

9/ Ibid. p. 382.

that Chicanos show no significant differences in health status when compared to the majority population, and in some findings Chicanos show better health.

Dowd and Bengtson, in 1978, 10/ using data from a sample of middle-aged and older blacks, Mexican-Americans, and whites in Los Angeles County, report (1) that blacks and Hispanics respondents are more likely to report poorer health than white respondents; (2) that there was little difference between blacks and Mexican-Americans; and (3) that self-assessed health of whites is better than minority respondents in each age group. Among these groups there is a more wider disparity at 65 years and older. These findings came in response to the question, "In general, would you say your health is very good, good, fair, poor, or very poor?"

A Lyndon B. Johnson School of Public Affairs Policy Research Project (The Health of Mexican Americans in South Texas) 11/, using data from Edwin Fonner's study of mortality among of Texas residents in 1970 and data on mortality from a 1975 study conducted by the LBJ School, reports that Mexican-Americans and Anglos experience different mortality rates because of the older age of the Anglo population (Anglo median age 30.2; Mexican-American, 19.0). According to these data, however, age alone does not account for all the difference in

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10/ Dowd, J.J. and V.L. Bengtson. Aging in Minority Populations: An Examination of the Double Jeopardy Hypothesis. Journal of Gerontology v. 33: 417-436, 1978. Cited in the Health of Mexican Americans: Evidence from the Human Population Laboratory Studies.

11/ The LBJ School of Public Affairs. Mexican-American Policy Research Project. The Health of Mexican-Americans in South Texas: A Report, No. 32. Chapter 2, Mortality and Morbidity in South Texas. The University of Texas at Austin, 1979. pp. 17-32.

mortality rates between Anglos and Mexican-Americans. Major differences (controlling for age) reported by the LBJ School 12/ were:

1. Mexican-American men were more likely to have "death by violence" (including accidents, suicides, and homicides) ranked in leading causes of mortality for all but the very youngest and very oldest age groups. Homicides constituted a significant proportion of these deaths. Suicide, however, was more often a leading cause of death among Anglos, particularly Anglo women.

2. Mexican-American women were more likely than Anglo women to have many of the degenerative ailments. This difference was not found between Anglos and Mexican-American men.

3. Diabetes mellitus and infectious and parasitic diseases were more likely to be listed as major causes of death among Mexican-Americans of nearly all age groups.

4. Rates of reportable communicable diseases were higher in South Texas than in the rest of Texas. Given the etiologies of many of these ailments, they are more likely to occur among poor people. Most of the poor people in South Texas are Mexican-Americans.

5. Mexican-Americans appear to be dying of a relatively broader spectrum of ailments and conditions than are Anglos.

Other than the age difference, the LBJ School report identifies additional explanations 13/ for the differences in the mortality between Anglos and Mexican-Americans: (1) socioeconomic conditions, (2) genetic composition, and (3) cultural traits. Socioeconomic conditions seem to be the most prominent factor in determining mortality differences between the two ethnic groups.

Fonner combined data from death records for the years 1969-1971. With these data he determined age, cause of death and sex rates for Anglos, Mexican-Americans, and blacks. He used 1970 Census data as the source to calculate

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12/ Ibid. p. 31.

13/ Ibid. p. 31-32.

specific age for the three groups; Fonner's findings are based on the entire State of Texas. 14/

Fonner's findings were used in the LBJ School report because 56 percent of Texas' Spanish-surnamed population was in South Texas in 1970.

The 1975 LBJ School mortality study 15/ information sources were death certificates in the Texas Department of Health Resources (TDHR). The certificates provided information on age, sex, county of residence, and primary cause of death. Of the 17,641 death records used for the study, there were 10,217 deaths recorded for Anglos and 6,289 for Mexican-Americans.

Infant mortality data were taken from (TDHR) unpublished reports. These data were calculated for the period 1970-1975. They were divided into five groups: 0 to 14 years; 15 to 29; 30 to 44; 45 to 64; and 65 or more years (these grouping were borrowed from the Fonner study).

Morbidity data were gathered from (TDHR) published reports on reportable communicable diseases (data for years 1974, 1975 and 1976). In the use of these mortality and morbidity data there were some limitations and problems as it pertains to Mexicans-Americans in South Texas. Limitations of these data included:

1. Manual rather than machine coding of ethnic data by persons, which method could result in a possible undercount;

14/ Edwin Fonner, Jr. "Mortality Differences of 1970 Texas Residents: A Descriptive Study" (Master's thesis, School of Public Health, The University of Texas Health Science Center at Houston, 1975) Cited in The LBJ School of Public Affairs. Mexican-American Policy Research Project. The Health of Mexican Americans in South Texas: A Report, No. 32. The University of Texas, Austin, 1979. 17-32.

15/ The LBJ School of Public Affairs. Mexican-American Policy Research Project. The Health of Mexican Americans in South Texas: Report, No. 32. The University of Texas, Austin, 1979. 17-32.

2. Reporting of causes of death by persons other than physicians and coroners;

3. Ascertaining total ailments and conditions only from mortality statistics.

There were similiar limitations in the infant mortality data. Again, coding of ethnicity was done manually, creating the same problem of possible undercount of Spanish-surname births and infant deaths. In addition, there was possibly a problem of underreporting of Mexican-American infant deaths along the border. The morbidity data usage presented two problems:

1. Not all cases of disease are reported, and

2. Selective underreporting (this is where a particular disease is reported for one group and it is not necessarily reported for others because of reporting sources). 16/

According to the 1975 LBJ School study, cancer and heart diseases ranked highest among the ten leading causes of death for each sex for both Anglos and Mexican-Americans in South Texas. Mexican-Americans appear to die more often of infective and parasitic diseases, diabetes mellitus, accidents, homicides, and certain causes of illness in early infancy compared to Anglos, who have higher percentages of disease of the arteries, bronchitis, emphysema and asthma, and cerebrovascular diseases. (see Table 2). 17/

Table 2 shows the ten leading causes of deaths to South Texas residents for 1975 by sex and ethnicity. Table 3 shows the same variables, narrowed to the five leading causes of deaths but expanded to include age groups.

16/ Ibid.

17/ Ibid.

TABLE 2. Ten Leading Causes of Death to South Texas Residents by Sex and Ethnicity, 1975

	Percent of All Causes			
	Anglos		*Mexican-Americans*	
Cause of Death	*Males*	*Females*	*Males*	*Females*
Neoplasms, Total	20.20	20.40	14.89	18.95
Heart Disease*	35.12	34.67	28.88	29.44
Ischemic Heart Disease	30.31	29.54	24.41	23.57
Other Heart Diseases	4.81	5.13	4.47	5.87
Cerebrovascular Disease	8.32	13.83	7.16	9.66
Diseases of Arteries	4.96	4.14	(1.81)	(1.83)
Influenza and Pneumonia	2.90	3.06	2.77	3.52
Bronchitis, Emphysema and Asthma	2.34	(1.09)	(0.85)	(0.64)
Certain Causes of Mortality in Early Infancy	(1.03)	(0.78)	3.89	3.75
Death by Violence*	11.70	6.01	17.69	6.45
Accidents	7.67	3.98	11.93	5.08
Suicides	2.95	1.56	(1.65)	(0.38)
Homicides	(1.08)	(0.47)	4.11	(0.99)
Infective and Parasitic Diseases	(0.85)	(0.81)	(1.59)	2.32
Diabetes Mellitis	(1.05)	2.01	3.54	5.31
All Other Causes	11.53	13.20	15.93	18.13
	n=5738	n=4479	n=3650	n=2639

*The categories "Heart Disease" and "Death by Violence" are in this table for the interest of the reader. They are not considered in the ranking of the ten leading causes of death.

Note: Figures in brackets indicate that the particular cause was not among the leading ten for that particular sex and ethnic group.

Source: Data on death certificates obtained from the Texas Department of Health Resources.

Source: The LBJ School of Public Affairs. Mexican American Policy Research Project. The Health of Mexican-Americans in South Texas: A Report, No. 32. University of Texas at Austin, 1979.

Table 3 shows that Mexican-American males have a high percentage of deaths in the category of homicides, particularly within two age groups: 13 to 29 years (representing 21 percent of all deaths in that age group) and 30 to 44 years. In these same age groups, cirrhosis of the liver is responsible for a higher percentage of deaths among Mexican-American males than Anglo males. Anglo males have a higher percentage of deaths in the category of ischemic heart disease in the age group 30 to 44 years and 45 to 64 years. Mexican-American females have a higher percentage of deaths from complications of pregnancy in the age group 15 to 29 years of age than do to Anglo females. Anglos females have a high percentage of death from neoplasms 18/

Table 3 also shows infant mortality percentages for both Anglos and Mexican-Americans in the 14-years of age or younger category. Mexican-Americans infants have higher death rates from infectious and parasitic diseases, influenza, and pnuemonia than Anglo infants.

Included in the LBJ School study was an examination of infant mortality rates over time. The researchers found that overall infant mortality rates declined between 1970 and 1975 for both Anglos and Mexican Americans. The infant mortality rate for Anglos in 1970 was 18 deaths per 1000 live births and in 1975 was 15.1 deaths per 1000 live births. The infant mortality rate for Mexican-Americans was 20.2 deaths per 1000 live births in 1970 and 14.5 deaths per 1000 live births in 1975. 19/ For the low infant death rates

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18/ Ibid.

19/ The LBJ School of Public Affairs. Mexican Policy Research Project. The Health of Mexican Americans in South Texas: Report, No. 32. The University of Texas, Austin, 1979. 17-32. However, the researchers express caution about the reliability of the mortality rates among Mexican-Americans because of uncertainty and to the comprehensiveness of reported birth and death data.

TABLE 3. Five Leading Causes of Death to South Texas Residents by Age Group, Sex and Ethnicity, 1975

	Percent of All Causes			
	Anglos		*Mexican-Americans*	
Cause of Death	*Males*	*Females*	*Males*	*Females*
Individuals 14 years of age or younger	**n=191**	**n=131**	**n=371**	**n=266**
Certain Causes of Mortality in Early Infancy	30.89	26.72	38.27	37.22
Accidents	21.43	24.08	14.29	13.16
Congenital Anomalies	18.85	19.08	17.52	14.29
Neoplasms, Total	4.71	9.16	2.97	(4.89)
Influenza and Pneumonia	4.71	3.82	4.31	5.64
Infective and Parasitic Diseases	(1.56)**	(2.29)	2.97	5.27
All Other Causes	17.85	14.85	19.67	19.53
Individuals 15 to 29 years of age	**n=290**	**n= 99**	**n=349**	**n= 94**
Death by Violence*	80.29	64.17	81.69	54.25
Accidents	58.97	40.40	52.44	39.36
Suicide	12.07	15.15	8.31	5.32
Homicide	9.25	8.62	20.92	9.57
Neoplasms, Total	7.24	13.13	2.64	[illegible]
Infective and Parasitic Diseases	(0.34)	–	2.29	(3.19)
Major Cardiovascular Diseases	3.10	4.04	3.44	11.70
Complications of Pregnancy	–	(2.02)	–	5.32
All Other Causes	9.03	16.64	9.16	20.22
Individuals 30 to 44 years of age	**n=231**	**n=111**	**n=249**	**n=133**
Death by Violence*	44.60	30.63	53.81	21.81
Accidents	21.65	14.41	30.12	15.04
Suicide	14.29	16.22	(5.22)	(0.75)
Homicide	8.66	–	18.47	6.02
Heart Disease*	21.63	31.54	11.24	13.53
Ischemic Heart Disease	18.61	–	7.23	9.02
Other Heart Diseases	(3.04)	6.31	(4.01)	4.51
Neoplasms, Total	13.85	25.23	5.22	26.31
Cerebrovascular Disease	(4.76)	(3.60)	(3.21)	4.51
Diabetes Mellitus	(0.43)	3.60	(0.80)	(3.01)
Cirrhosis of Liver	(1.73)	(0.90)	7.63	(3.01)
All Other Causes	12.98	29.73	18.89	27.82

Cause of Death	Percent of All Causes			
	Anglos		Mexican-Americans	
	Males	Females	Males	Females
Individuals 45 to 64 years of age	n=1568	n=775	n=913	n=537
Heart Disease*	37.95	20.90	35.05	26.07
Ischemic Heart Disease	35.72	16.00	30.12	19.55
Other Heart Diseases	5.23	4.90	(4.93)	6.52
Death by Violence*	12.12	13.68	12.60	(5.21)
Accidents	5.42	(4.65)	8.65	(3.72)
Suicide	6.12	8.52	(1.53)	(0.56)
Neoplasms, Total	27.04	37.81	20.48	29.43
Cerebrovascular Disease	(3.32)	6.71	6.02	7.64
Diabetes Mellitus	(0.89)	(1.94)	(3.83)	7.45
Cirrhosis of Liver	(3.50)	(3.13)	6.02	(4.10)
All Other Causes	15.18	15.83	16.00	20.10
Individuals 65 years or older	n=3454	n=3360	n=1609	n=1764
Heart Disease*	39.40	41.01	39.46	37.97
Ischemic Heart Disease	34.19	35.65	33.73	31.39
Other Heart Diseases	5.21	5.36	5.73	6.58
Neoplasms, Total	19.46	16.88	18.14	17.09
Cerebrovascular Disease	11.90	16.70	10.88	12.80
Diseases of arteries	4.46	5.24	(3.06)	(3.04)
Diabetes Mellitus	(1.27)	(2.11)	4.93	5.97
All Other Causes	23.51	18.06	2[illegible].53	23.13

*The categories "Heart Disease.. and "Death by Violence" are placed in this table for the convenience of readers of this report. They are not considered in the ranking of the ten leading causes.

**Figures in brackets indicate that the particular cause was not among the leading ten for that particular sex and ethnic group.

Source: Data on death certificates obtained from the Texas Department of Health Resources.

Source: The LBJ School of Public Affairs. Mexican American Policy Research Project. The Health of Mexican-Americans in South Texas: A Report, No. 32. University of Texas at Austin, 1979.

of Mexican-Americans, LBJ researchers provides two explanations: (1) "the underreporting of deaths, suggesting that the data are not highly reliable" and (2) "the newly available services which have effectively intervened in the problem of neonatal mortality".

Mexican-Americans in South Texas and Puerto Ricans in New York City show similiar mortality experiences. Infant mortality rates are included in these similiarities.

According to a report prepared by the National Puerto Rican Forum, Inc., Puerto Ricans in New York City (NYC) from [1969-71] had higher mortality rates from cirrhosis of the liver, accidents, and diabetes than the total New York City population. Percentages for both groups follow: cirrhosis of the liver (Puerto Ricans 7.5-NYC 3.3), accidents (Puerto Ricans 4.9-NYC 2.5) and diabetes (Puerto Ricans 2.9-NYC 2.3). Also, annual death rates from drug dependency, homicides, and accidents were higher for Puerto Ricans in the 15 to 44 age group than the NYC total population. In addition, annual mortality rates were also higher for Puerto Ricans 15 years and under from bronchitis, influenza, pneumonia, accidents, and homicides. 20/

Access to and Utilization of the Health Care System

Similiar to the case of health data on Hispanics, there is a paucity of data on medical care use (including dental care) 21/ by Hispanics. However,

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20/ Alers, Jose Oscar. Puerto Ricans and Health Findings From New York City, Monograph No. 4 Hispanic Research Center, Fordham University New York, 1978. p. 6, Table 3. Cited in The Next Step Toward Equality by National Puerto Rican Forum. September 1980. p. 13.

21/ Roberts, R.E. and Lee, E.S. Medical Care Use by Mexican-Americans Evidence from the Human Population Laboratory Studies. Medical Care March 1980. p. 267.

earlier research of health utilization by Hispanics (Mexican-Americans) characterized this group as different from other population groups in their health belief and behavior. In accounting for these differences, emphasis was on the role of cultural and ethnic factors, a primary assumption in much of this research was that folk beliefs are chief determinants of health and illness behavior. 22/ This body of research was summarized by Weaver:

> the Mexican American population is an undifferentiated homogeneous mass who distrusts scientific medicine, seeks treatment from folk healers, views illnesses fatalistically, sees many illnesses as resulting from and only curable by magic and witchcraft; illness is a social, or collective, as opposed to an individual event; the Mexican-American community holds a culture, one aspect of which is recognizable by a complex system of health related traits, which forms a barrier to effective utilization of scientific health care. 23/

Recent research on medical use by Hispanics (Mexican-Americans) has taken a different approach. More emphasis has been placed on comparing the use of traditional sources of health care and less focus has been placed on cultural and ethnic factors. Now emphasis are placed on indicators such as age, sex, income, education and occupational stability. 24/

Andersen and Aday and et al., have compared Latinos (using the Bureau of the Census definition of Spanish heritage) to other groups. They examined patterns of physician, dental, and hospital visits, health insurance, regular source of care, satisfaction with services received and two need assessment measures. They found that blacks and Latinos reported the similar rates (65 percent for physician visits in the past year) as compared to 77 percent for other whites. Rates on hospitalizations for these groups were also similiar: 10 percent for blacks, 12 percent for Latinos, and 11 percent for other whites. Rates on dental visits within the past year showed wider gaps among the groups: 18 percent for blacks, 31 percents for Latinos, and 52 percent for other whites. 25/

22/ Ibid.

23/ Ibid.

24/ Ibid.

Garcia and Juarez, have reported (1978) that Chicanos underutilized dental services and that the services they do use are primarily those of a "symptomatic" nature. Meaning that Chicanos used more acute dental services than cosmetic and preventive services. They found that there were statistically significant differences in dental visits between the two groups. Anglos had a dental visit rate of 58.9 percent compared to 43.5 percent for Chicanos. 26/

These researchers compared dental behavior of Chicanos and Anglos in Pima County, Arizona using regression analysis to examine several socioeconomic variables to explain the differences and similarities.

They reported that socioeconomic variables alone do not explain the dental-care behavior of Chicanos. According to Garcia and Juarez these variables are more relevant to Anglos in use of dental services.

Berkanovic and Reeder, using data from the Los Angeles Metropolitan Area Survey, examined the role of ethnic, economic, and social-psychologic variables in the source of medical use among blacks, whites and Mexican-Americans. They found that 78 percent of whites used private physicians compared to 60 percent for blacks and 59 percent for Mexican-Americans. 27/

25/ Andersen R. Access to Medical Care Among the Latino population of the Southwestern United States. Paper presented at the American Public Health Association meeting, Los Angeles, October 16, 1978. Cited from Medical Care Use by Mexican-Americans. Evidence from the Human Population Laboratory Studies.

26/ Garcia and Juarez. Utilization of Dental Health Services by Chicanos and Anglos. Journal of Health & Social Behavior. December 1978. p. 428-436.

27/ Berkanovic E., Reeder L. G. Ethnic, economic, and social psychological factors in the source of medical care. Social Problems. 1973. 21:246. Cited from Medical Care Use by Mexican-Americans, Evidence from the Human Population Laboratory Studies.

CHAPTER 8

DISCRIMINATION AGAINST HISPANICS IN HEALTH CARE SERVICES: A LEGAL SUMMARY

by
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Title VI of the 1964 Civil Rights Act 1/ bars discrimination because of race, color, or national origin in all programs and activities that receive Federal financial assistance. Regulations of the Department of Health and Human Services (HHS) specify that Federal aid recipients cannot adopt criteria or methods of administration which have the effect of discriminating against racial or ethnic groups. 2/ This obligation applies to hospitals, nursing homes, doctors, dentists, and State medicaid agencies. Although the issue of discrimination against Hispanics in the delivery of federally subsidized health care services has received little attention in the courts, two recent developments may have significant implications for the problem.

The Office of Civil Rights is the administrative arm of HHS for civil rights enforcement. For years, the agency's primary focus had been on education cases, but with creation of the new Department of Education, discrimination in health care may take on a higher priority. By the end of 1980, HHS had embarked on an ambitious program of drafting new regulations, guidelines, and civil rights reporting requirements for health services. In addition, policies were being developed to provide bilingual services and bilingual notices of hospital closures and medicaid cutbacks.

Recent initiatives by the Government into discrimination in health care has produced mixed results. The Justice Department in Guerra v. Bexar County Hospital District 3/ joined private litigants in a title VI suit to enjoin the relocation of the Bexar County, Texas public hospital from the barrio to the suburbs on the ground of its discriminatory effect on Mexican-American residents. Finding that the decision to relocate the facility was supported by substantial medical and governmental reasons, however, the district court denied relief because intent of purpose to discriminate had not been shown.

> The Bexar County Hospital District had the right to lawfully change the site from which it provides public services, because the decision to relocate was not made with a discriminatory intent or purpose, especially since the relocation will not have a discriminatory effect; and that the nature and scope of injunctive relief sought by the plaintiffs is not justifiable under the law and evidence in this case. 4/

But in a similar suit involving the closing of Sydenham and Metropolitan Hospital in New York, the Second Circuit Court of Appeals in Bryan v. Koch 5/ declined to follow the trial court's holding that intent must be shown or that it was fatally lacking. Subsequently, the Third Circuit in NAACP v. Wilmington Medical Center, Inc., 657 F. 2d 1322 (3d Cir. 1981) also wrestled with the issue whether intent to discriminate is a necessary element of a title VI violation or whether the establishment of disproportionate adverse impact is enough. The court of appeals held that "intent is not required under Title VI and proof of disproportionate impact or effect is sufficient," but still failed to establish a prima facie case of adverse, disproportionate impact on minorities, the handicapped or the aged.

In In re Hotel Dieu, Mercy, and Southern Baptist Hospitals 6/ located in HHS made a formal administrative determination of discriminatory impact violative of title VI. The evidence there showed that while the hospitals' service area was heavily minority, only a token number of minority persons were accepted as patients. The cause of the discrimination was the hospital's failure to accept Medicaid patients because the hospitals' staff physicians refused to participate in the Medicaid program. After negotiations for voluntary compliance failed, the Office of Civil Rights sought a cutoff in Federal funding, and an administrative law judge ordered the termination of Federal funding to two of the three hospitals involved. This appears to be the first ruling that has applied some of the Hill-Burton community service obligations to a non-Hill-Burton hospital where jurisdiction is based on title VI.

1/ 42 U.S.C. 2000d et seq.

2/ See, 45 C.F.R. § 80.3, 1979.

3/ 484 F. Supp. 855 (N.D. Tex. 1980).

4/ 484 F. Supp. at 860.

5/ 627 F. 2d 612 (2d Cir. 1980).

6/ No. 79-HHS (T.D.)-30 (HHS Oct. 6, 1979). This is a decision by an administrative law judge on OCR's efforts to cut off Federal funds to three New Orleans hospitals, and is a continuation of Cook v. Ochsner, 559 F. 2d 968 (5th Cir. 1977) in an administrative forum.

CHAPTER 9

HOUSING OF HISPANICS

by
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More than 14 million Hispanics, a varied ethnic group including Mexican-Americans, Puerto Ricans, Cubans, and South and Central Americans, live in the United States. Compared to the general population this group has lower levels of income, education and employment and less adequate housing. This section of the report, on the housing of Hispanics, provides an overview of the housing conditions of Hispanics and a discussion of some housing issues affecting Hispanics.

A primary source of information on housing conditions for Hispanics is a study 1/ prepared by the U.S. Department of Housing and Urban Development (HUD) based on data from the Annual Housing Surveys for 1975 and 1976, collected by the Census Bureau for the Department.

Hispanics are a highly urbanized group who are concentrated primarily in central cities. Eighty-four percent live in standard metropolitan statistical

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1/ U.S. Department of Housing and Urban Development. Office of Policy Development and Research. How Well Are We Housed? 1. Hispanics September 1978.

areas (SMSA's) 2/ compared to 68 percent of the general population. As an urbanized population, the housing conditions of Hispanics tend to reflect the general housing conditions of other urban minority groups.

When compared to the aggregate profile of metropolitan dwellers, Hispanics are more likely to be renters, more likely to live in inferior quality structures, and more likely to live in overcrowded conditions.

According to the HUD study, 58 percent of the Hispanic population rent shelter as compared to 35 percent for the general population. Hispanics are also more likely to live in multifamily groupings and older structures.

Not only are there significant differences in housing characteristics between the Hispanic population and other segments of the population, there are noticeable differences among the Hispanic subpopulations. Puerto Ricans are the worst housed, Cubans are the best housed, while the housing conditions of Mexican-Americans fall in between. 3/ These differences are documented in the following tables.

Why are Cubans are the best housed? It would appear in part because they are more able to pay for adequate housing. According to Census data, Cubans have the highest family median income ($15,326) of Hispanics 4/

2/ An SMSA is an urban area that usually includes a central city and the counties adjacent to it. The SMSA defines a geographical unit that is used to report statistical information.

3/ U.S. Department of Housing and Urban Development. Office of Policy Development and Research. 1. Hispanics, September 1978.

4/ U.S. Bureau of the Census. Current Population Report, Series P-20, No. 354, Persons of Spanish Origin in the United States: March 1979. October 1980.

TABLE 1. Nearly 10 Percent of All Housing Was Flawed in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	72,134	1,945	2.6%	522	658	504	238	26
KITCHEN	72,738	1,342	1.8%	311	356	421	228	26
MAINTENANCE	71,034	3,048	4.1%	2,243	456	137	185	26
PUBLIC HALL	73,777	303	0.4%	199	94	14	60	0
HEATING	72,924	1,156	1.6%	864	149	62	64	19
ELECTRICAL	74,012	68	0.1%	19	26	13	2	8
SEWAGE	73,135	945	1.3%	0	242	445	233	26
TOILET ACCESS	72,728	1,352	1.8%	1,126	201	23	2	0
TOTALS (in thousands)	66,906	7,174	9.7%	5,283	1,085	540	239	26

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978

TABLE 2. Hispanic Housing Was Almost Twice As Often Flawed in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	3,189	109	3.3%	27	42	25	14	1
KITCHEN	3,207	91	2.8%	25	37	16	12	1
MAINTENANCE	3,044	254	7.7%	156	69	22	7	1
PUBLIC HALL	3,259	39	1.2%	18	17	3	2	0
HEATING	3,134	164	5.0%	110	31	15	8	1
ELECTRICAL	3,292	6	0.2%	0	4	2	0	0
SEWAGE	3,261	37	1.1%	0	8	17	12	1
TOILET ACCESS	3,150	148	4.5%	100	38	10	0	0
TOTALS (in thousands)	2,689	609	18.5%	436	122	36	14	1

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TABLE 3. Cubans Live in the Best Hispanic Housing in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	243	3	1.2%	0	3	0	0	0
KITCHEN	235	11	4.5%	9	3	0	0	0
MAINTENANCE	242	4	1.6%	3	2	0	0	0
PUBLIC HALL	243	3	1.2%	3	0	0	0	0
HEATING	243	3	1.2%	1	2	0	0	0
ELECTRICAL	246	0	0%	0	0	0	0	0
SEWAGE	246	0	0%	0	0	0	0	0
TOILET ACCESS	244	2	0.8%	2	0	0	0	0
TOTALS (in thousands)	224	22	9.8%	18	4	0	0	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978

TABLE 3. Cuban Housing Is Better Than General American Housing in 1975

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	224	3	1.3%	3	0	0	0	0
KITCHEN	224	3	1.3%	3	0	0	0	0
MAINTENANCE	221	6	2.6%	4	1	0	0	0
PUBLIC HALL	227	0	0%	0	0	0	0	0
HEATING	223	4	1.8%	4	0	0	0	0
ELECTRICAL	227	0	0%	0	0	0	0	0
SEWAGE	227	0	0%	0	0	0	0	0
TOILET	226	1	0.4%	0	1	0	0	0
TOTALS (in thousands)	212	15	7.1%	14	1	0	0	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TABLE 5. Puerto Rican Housing is Frequently Flawed in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	502	15	2.9%	3	8	2	3	0
KITCHEN	503	14	2.7%	3	7	0	3	0
MAINTENANCE	424	93	18.0%	58	31	3	2	0
PUBLIC HALL	499	18	3.5%	3	11	3	2	0
HEATING	506	11	2.1%	5	4	0	2	0
ELECTRICAL	513	4	0.8%	0	4	0	0	0
SEWAGE	515	2	0.4%	0	0	0	2	0
TOILET ACCESS	481	36	7.0%	26	8	2	0	0
TOTALS (in thousands)	377	140	27.1%	97	37	3	3	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978

TABLE 6. Puerto Rican Housing Suffers Particularly from Maintenance Flaws in 1975

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	444	21	4.6%	8	6	6	2	0
KITCHEN	455	10	2.2%	0	3	6	2	0
MAINTENANCE	375	90	19.3%	75	15	0	0	0
PUBLIC HALL	447	18	3.9%	7	4	6	0	0
HEATING	459	6	1.3%	3	1	0	2	0
ELECTRICAL	463	2	0.4%	0	1	0	0	0
SEWAGE	463	2	0.4%	0	0	0	2	0
TOILET ACCESS	423	42	9.0%	31	10	0	0	0
TOTALS (in thousands)	313	152	32.7%	124	21	6	2	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TABLE 7. Mexican-American (Chicano) Housing Suffers Particularly From Heating Flaws in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	1,877	73	3.7%	18	23	20	11	1
KITCHEN	1,901	49	2.5%	10	16	13	9	1
MAINTENANCE	1,829	121	6.2%	71	27	15	6	1
PUBLIC HALL	1,940	10	0.5%	8	3	0	0	0
HEATING	1,812	138	7.1%	93	23	15	6	1
ELECTRICAL	1,948	2	0.1%	0	0	2	0	0
SEWAGE	1,916	34	1.7%	0	5	17	11	1
TOILET ACCESS	1,850	100	5.1%	65	27	8	0	0
TOTALS (in thousands)	1,581	369	18.9%	265	82	30	11	1

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978

TABLE 8. Mexican-American (Chicano) Housing Met the Hispanic Average in 1975--20 Percent Flawed

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	1,652	54	3.2%	13	21	13	6	1
KITCHEN	1,668	38	2.2%	10	11	11	5	1
MAINTENANCE	1,596	110	6.4%	72	22	10	5	1
PUBLIC HALL	1,648	8	0.5%	8	0	0	0	0
HEATING	1,594	112	6.6%	77	22	9	3	1
ELECTRICAL	1,704	2	0.1%	1	1	0	0	0
SEWAGE	1,678	28	1.6%	0	9	12	6	1
TOILET ACCESS	1,600	106	6.2%	85	13	9	0	0
TOTALS (in thousands)	1,362	344	20.2%	267	49	21	6	1

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TABLE 9. Central and South American Housing Has Improved by 5 Percent in 1976

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	185	7.5	3.9%	1.5	4.5	1.5	0	0
KITCHEN	184	9.0	4.8%	1.5	6.0	1.5	0	0
MAINTENANCE	176	16.5	8.8%	12.0	3.0	1.5	0	0
PUBLIC HALL	191	1.5	0.8%	0	1.5	0	0	0
HEATING	189	4.5	2.3%	2.9	1.5	0	0	0
ELECTRICAL	193	0	0%	0	0	0	0	0
SEWAGE	193	0	0%	0	0	0	0	0
TOILET ACCESS	188	4.7	2.4%	3.2	1.5	0	0	0
TOTALS (in thousands)	161	31.7	16.4%	21.2	9.0	1.5	0	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TABLE 10. Central and South American Housing Suffers Most From Maintenance Flaws in 1975

Type of flaw	Units without flaw	Units with flaw	% of all units with flaw	Inadequate units by number of flaws				
				1 flaw	2 flaws	3 flaws	4 flaws	5 + flaws
PLUMBING	179	4.4	2.4%	3.0	1.5	0	0	0
KITCHEN	180	2.8	1.6%	1.4	1.4	0	0	0
MAINTENANCE	163	20.4	11.1%	16.0	4.4	0	0	0
PUBLIC HALL	179	4.3	2.3%	2.8	1.5	0	0	0
HEATING	173	10.1	5.5%	5.9	4.2	0	0	0
ELECTRICAL	183	0	0%	0	0	0	0	0
SEWAGE	183	0	0%	0	0	0	0	0
TOILET ACCESS	178	4.6	2.5%	3.2	1.4	0	0	0
TOTALS (in thousands)	143.6	39.4	21.5%	32.2	7.2	0	0	0

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

Among the variables HUD examined to evaluate the conditions of Hispanic housing were physical adequacy and affordability.

PHYSICAL ADEQUACY

Physical adequacy was defined in terms of the availability of heating and plumbing, the structural soundness, the availability of sewage disposal systems, the maintenance of the living unit, its design, its electrical system, and its kitchen. The eight specific items used to observe physical adequacy in the HUD study appear in table 11.

The HUD study shows that nationally there were more than 7 million housing units with one or more flaws, but "that the chances of an Hispanic household living in deficient housing is more than twice that of the general population." 5/ Between 1975 and 1976 there was a decrease in the number of flawed housing units, both for the general population and for Hispanics, but the incidence of flaws in Hispanic housing remains high.

According to the HUD study, of the eight items used to determine physical inadequacy, heating flaws rated significantly higher in Hispanic housing than in that of the general population. Five percent of Hispanic housing units had heating flaws compared to 1.5 percent for the total population. HUD attributes this difference in percentages to the high rate of heating flaws in Mexican-American occupied units. In 1976, the heating-flaw rate for Mexican-Americans was 7.1 percent of all units with flaws. Many Mexican-Americans live in the Southwest where heating systems might not be as necessary to maintaining a comfortable dwelling as they would be in the Northeast section of the country. (HUD cautions that some of the data on heating flaws can be misleading).

5/ U.S. Department of Housing and Urban Development. Office of Policy Development and Research. 1. Hispanics. September 1978.

TABLE 11. Inadequate Housing Suffers From One or More of These Defects

PLUMBING
unit lacks complete plumbing *or*
unit shares complete plumbing

KITCHEN
unit lacks or shares a complete kitchen

SEWAGE
absence of a public sewer, septic tank, or cesspool for sewage disposal *or*
no chemical toilet for sewage disposal

HEATING*
there are no means of heating, *or*
unit is heated by unvented room heaters burning gas, oil, or kerosene, *or*
unit is heated by fireplace, stove, or space heater

MAINTENANCE
It suffers from any two of these defects:
leaking roof
open cracks or holes in interior walls or ceiling
holes in the interior floor
broken plaster or peeling paint (over 1 square foot) on interior walls or ceilings

PUBLIC HALL
It suffers from any two of these defects:
public halls lack light fixtures
loose or missing steps on common stairways
stair railings missing or not firmly attached

TOILET ACCESS
access to sole flush toilet is through one of two or more bedrooms used for sleeping (applies only to households with children under 18)

ELECTRICAL
unit has exposed wiring *and*
fuses or circuit breakers blew 3 or more times in last 90 days *and*
unit lacks wall plugs (outlets) in 1 or more rooms

(*)Does not apply in the South Census Region.

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

AFFORDABILITY

Affordability was defined as a family's paying ability for adequate housing in regards to needed space for family size.

HUD attributes the number of Hispanics living in deficient housing to two variables:

1. The simple economic factors of income and the price of housing, and

2. The demographic characteristics of the household.

When housing costs increase, a family is less likely to live in quality housing. Where households live geographically will bear on the price of housing. For example, HUD estimated the price of housing in the four Census Regions: Northeast, North Central, South and West. They found that "the likelihood of the family being inadequately housed is greater in the rural west and in the New York City area. It is least likely to be ill-housed in the North Central region in an SMSA of 1.5 million." 6/

A lower percentage of Hispanics are able to pay for adequate housing compared to the general population without spending more that 25 percent (a percentage traditionally accepted as the amount to pay for adequate housing) of their income. According to the HUD study, 71 percent of the Hispanics population can afford adequate housing at this percentage as compared to 80 percent of the general population. Affordability of housing within the

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6/ Ibid., p. 19.

Hispanic subpopulations differs(see table 12). Cubans and South and Central Americans are closer to paying the-total-population percentage of 80 percent shelter cost, while seventy-three percent of Mexican-Americans can afford housing for the standard percentage of income (25). Puerto Ricans are least able to afford housing at the 25 percent standard with only 48 percent of them able to pay for adequate housing at that percentage rate-far less than is true for all other Hispanics and all U.S. households.

TABLE 12. Hispanics, and Especially Puerto Ricans, Spend Proportionally More for Adequate Housing Than Others Do in 1976

Ratio Of Adequate Housing Cost To Income	% Of All U.S. Households	% Of All Hispanic Households	% Of Chicanos	% Of Puerto Rican	% Of Cuban	% Of Central and South American
Under 10%	44.0%	23.8%	23.9%	8.5%	29.3%	34.4%
Under 20%	74.3%	60.7%	62.1%	36.3%	73.6%	68.4%
Under 25%	80.3%	70.7%	72.8%	48.0%	79.7%	78.2%
Under 30%	84.4%	77.0%	79.1%	58.8%	83.8%	80.3%
Under 35%	87.8%	82.8%	84.8%	67.7%	86.8%	84.4%
Under 40%	89.9%	86.1%	87.7%	75.8%	90.3%	88.5%
Under 50%	92.9%	90.7%	91.0%	85.5%	94.4%	92.7%
Under 60%	94.7%	93.4%	93.7%	89.0%	95.2%	94.8%
Under 70%	96.0%	95.1%	95.1%	92.2%	97.2%	94.8%

Source: U.S. Department of Housing and Urban Development. Report: How Well Are We Housed? Hispanics 1. 1978.

TENURE

Home-ownership among the Hispanic population is low compared to the total population. In 1980 , 42.4 percent of the Hispanic households owned housing units compared to 65..6 percent for the total population. 7/

The rate of Hispanic home-ownership differs from city to city, according to a CRS report. Home-ownership was examined in 10 cities with large Hispanic concentrations. Findings were such that in those cities Hispanic home-ownership rates were usually lower compared to the total home-ownership rates. Additionally, there was some relationship between the degree of Hispanic home-ownership and the degree of home-ownership for the total population. However, this relationship was not constant, "with the Hispanic rate ranging from 84 percent of the total rate in Denver down to 47 percent of the rate in New York [two of the cities examined]." 8/

LOCATION

As previously noted, in comparison with the total population, more Hispanic households live in metropolitan areas. They comprise 5.4 percent of those in SMSA's and 7.4 percent of those in central cities; but only 2.3 of households outside of SMSA's. 9/

7/ U.S. Department of Commerce and U.S Department of Housing and Urban Development. Annual House Survey, 1980. Current Housing Reports Series H-150-80, February 1982. Table A-9, p. 47, A-1, p. 1.

8/ U.S. Library of Congress. Congressional Research Service. The Housing of Hispanic Households in Selected Cities in the United States; by Grace Milgram and Beth A. Innis. [Washington] 1979. 26 p.

9/ Ibid.

In addition, Hispanic households tend to be clustered in cities. These concentrations are characteristic of the ethnic group settlements in general in the United States. They occur partly because of language and cultural differences and partly because of discriminatory practices within the housing market. 10/

Displacement

Generally, minority groups are more susceptible to housing displacement than other segments of the population. This is so because a disporportionate number of them are located in low rent and declining central city neighborhoods. According to some Hispanic housing leaders these neighborhoods in the past have been targets for redevelopment because residents, many of whom are poor, lacked the political or economic clout to resist the destruction of their neighborhoods.

Hispanics, the second largest minority group, have very probably not been sheltered from the displacement phenomenon. Despite the lack of available statistics nationally, it is a probable to conjecture that the Hispanic experience mirrors that of other minorities, particularly blacks, with regard to displacement from inner city neighborhoods. A paper 11/ by the The National Hispanic Housing Coalition (NHHC) cites cases of Hispanic displacement in such cities as Phoenix, Arizona and Albuquerque, New Mexico. Not only is displacement of Hispanics a result of private market action, but, according

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10/ Ibid.

11/ Paper on Proposed National Hispanic Housing and Community Development Policy. National Hispanic Housing Coalition. 1980.

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to the NHHC, such Federal programs as Community Development Block Grant (CDBG) are prime contributors. In Phoenix, seventy percent of displaced persons were Hispanics resulting from CDBG programs.

Discrimination

Like blacks, many Hispanics have experienced discrimination in the housing market. An example of this is reported in a HUD study, 12/ which showed Chicanos (Mexican-Americans) are discriminated against in the housing rental market in the Dallas area.

> The study finds that dark-skinned Chicanos encountered blatant forms of housing discrimination much more often than light-skinned Chicanos. Finally, the study finds that, at least in the Dallas rental market, light-skinned Chicanos appear to encounter discriminatory treatment about as often as blacks, while dark-skinned Chicanos appear to encounter discriminatory treatment more often than blacks.
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> That dark-skinned Chicanos in Dallas are discriminated against significantly more often than either blacks or light skinned Chicanos is clearly the most important finding of the study. There are several possible explanations why dark-skinned Chicanos encounter more discrimination.
>
> One explanation could be that different rental agents discriminate for different reasons and that dark-skinned Chicanos, as a group, are discriminated against not only by agents who discriminate against Chicanos, per se, but also by agents who discriminate because of skin color. Another explanation could be that rental agents are more averse to renting to Chicanos with dark skins because they consider them to be less assimilated or of lower socioeconomic status than those with light skins. It is also possible that dark-skinned Chicanos are more likely to be thought of as illegal immigrants.

There is no reason to believe that the Dallas experience is an exception to general treatment of Hispanics in housing markets.

12/ U.S. Department of Housing and Urban Development. Office of Policy Development and Research. Discrimination Against Chicanos in the Dallas Rental Housing Market. August 1979.

CHAPTER 10

EQUAL HOUSING OPPORTUNITIES FOR HISPANIC AMERICANS

by
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INTRODUCTION

The problem of exclusionary zoning, and its impact on housing opportunities for minorities generally and the Hispanic community in particular, has been the source of increasing controversy within the context of court actions challenging local governmental action to block the construction of low and moderate income housing. In Ybarra v. Town of Los Altos Hills 1/ the Ninth Circuit Court of Appeals sustained the dismissal of a suit by a Mexican-American nonprofit organization claiming that the large lot zoning ordinance of Los Altos Hills, California, unconstitutionally prevented the construction of a section 236 federally subsidized project on land acquired by the plaintiffs for that purpose. Similarly, in Acevedo v. Nassau County 2/ the Second Circuit rejected a similar challenge on the ground that county officials had no constitutional or statutory duty to provide low-income family housing for its Mexican-American residents. In each case, the court found that the zoning action, which applied equally to all low-income projects, did not discriminate against prospective Mexican-

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1/ 503 F. 2d 250 (9th Cir. 1974).

2/ 500 F. 2d 1078 (2d Cir. 1974).

American residents. In a third case, Southern Alameda Spanish-Speaking Organization (SASSO) v. Union City 3/, both the trial and appellate courts refused to overturn a referendum, held by objecting residents, to nullify a zoning change to permit construction of a section 236 project in a white middle class neighborhood, because the evidence did not warrant a finding of purposeful discrimination. On remand, however, the district court invoked a remedy which imposed rigorous affirmative duties on the defendant city to accommodate the housing needs of its low-income Spanish-speaking residents.

The focus of exclusionary land use litigation has shifted from the Constitution to challenges based on the Federal civil rights laws, particularly the 1968 Fair Housing Act, in the wake of the 1977 Supreme Court ruling in the Arlington Heights case. The court there held that proof of discriminatory intent was necessary to establish an equal protection violation by the actions of local authorities in exclusionary zoning cases. Subsequently, however, a series of lower Federal court decisions have found the Fair Housing Act of 1968 violated by land use practices that had the effect of excluding blacks, Hispanics, and other minorities from the community even though discriminatory motive could not be shown. The application of this "effects" test in the context of the Fair Housing Act promises a significant advancement in housing opportunities for all groups covered by the 1968 Act, including persons of Hispanic origin. The remainder of this report will consider the implications of these post-Arlington Heights decisions and other recent actions by the Department of Justice attacking the problem of exclusion of subsidized low and moderate-income housing by local governmental action.

3/ 424 F. 2d 291 (9th Cir. 1970).

An Overview of the Federal Law on Exclusionary Zoning

Municipalities tradntionally have had broad powers to control the uses to which property owners may put their land through the enactment of local zoning ordinances. 4/ Over the past decade, however, the Federal courts in exclusionary land use litigation have increasingly been called upon to determine the legality, under the Federal Constitution and civil rights laws, of local policies that have the effect of excluding racial and ethnic minorities from the community by limiting construction of low and moderate-income housing. Judicial review in these cases has generally involved claims of alleged racial and ethnic discrimination forbidden by the Equal Protection Clause of the Fourteenth Amendment and the 1964 and 1968 Civil Rights Acts. As currently interpreted by the Supreme Court, the Equal Protection Clause forbids only those exclusionary zoning schemes that are the product of a racially discriminatory purpose of the local decision-making body. 5/ Thus, the most expansive source of judicial authority over exclusionary zoning decisions lies in the Civil Rights Acts, particularly the Fair Housing Act of 1968, which has been held in a recent series of Federal court of appeals decisions to prohibit policies that have a discriminatory effect on housing opportuties for minorities even where an intent to discriminate cannot be shown.

The use of Federal funds by localities in a manner fostering racial segregation within the community is prohibited by title VI of the 1964 Civil Rights Act, providing that "no person shall, on the ground of race, color,

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4/ See, e.g., Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 1926; Village of Belle Terre v. Boraas, 416 U.S. 1, 1974.

5/ Village of Arlington Heights v. Metropolitan Housing Department Corp., 429 U.S. 252, 1976.

or national origin, . . . be subjected to discrimination under any program or activity receiving Federal financial assistance." 6/ The 1964 Act has thus been held to forbid the use of discriminatory site and tenant selection procedures for federally subsidized housing projects that contribute to segregated residential patterns in the aided community. 7/ Additional Federal authority over local land use controls was provided by the Housing and Community Development Act of 1974 8/ which conditioned all community development assistance, including that for nonhousing related projects, on compliance with the Act. In order to "reduc[e] . . . the isolation of income groups within communities and geographical areas and . . . [promote] the spatial deconcentration of housing opportunities for persons of lower income," 9/ each community applying for a block grant was required by the 1974 Act to submit a housing assistance plan (HAP) for lower income persons "residing in or expected to reside in the community." 10/ The community was also required to provide "satisfactory assurances that the program will be conducted and administered in conformity with" the Civil Rights Act of 1964 and the Fair Housing Act of 1968. 11/

6/ 42 U.S. 2000d.

7/ See, e.g., Hills v. Gautreaux, 425 U.S. 284, 1976; Shannon v. HUD, 436 F. 2d 809 (3d Cir. 1970); also, 24 C.F.R. § 14(b)(2)(i), 1980.

8/ 42 U.S.C. 5304-5305.

9/ 42 U.S.C. 5301(c)(6).

10/ 42 U.S.C. 5304(a)(4)(A).

11/ 42 U.S.C. 5304(a)(5).

In enacting the Fair Housing Act, to provide "within constitutional limitations, for fair housing throughout the United States," 12/ Congress vested the courts with broad remedial authority to combat public and private discrimination in the housing market. 13/ The Act makes in unlawful to "refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin. 14/ This general prohibition is supplemented by further bans against discrimination "in the provision of services or facilities in connection" with the sale or rental of a dwelling 15/ and actions that "coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of" rights granted under the Act. 16/ Because of judicially engrafted limitations on the reach of the Equal Protection Clause under Arlington Heights, 17/ the courts have increasingly relied on the Fair Housing Act to invalidate local zoning actions that discriminate against minorities.

In Arlington Heights, the Supreme Court ruled that local officials' refusal to rezone a parcel of land to accommodate a proposed low and moderate income housing project did not violate the Constitution because there was no showing of a racially discriminatory purpose. Guided by its 1976 ruling in

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12/ 42 U.S.C. 3601.

13/ 42 U.S.C. 3612(c).

14/ 42 U.S.C. 3604(a).

15/ 42 U.S.C. 3604(b).

16/ 42 U.S.C. 3617.

17/ See, note 2 (supra).

Washington v. Davis, 18/ where proof of "discriminatory purpose" was held a prerequisite to relief under the Equal Protection Clause, the Court concluded that the "finding that the Village's decision carried a discriminatory 'ultimate effect' is without independent constitutional significance," but remanded the case for a determination of whether this discriminatory effect alone would violate the fair housing provisions of title VIII. 19/ On remand,

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18/ 426 U.S. 266, 1976. Davis involved an equal protection challenge to a verbal ability test used by the District of Columbia police department to screen its applicants. Rejected black applicants charged that the test procedure was constitutionally invalid because blacks failed in greater proportion than their white counterparts and because there was no showing of a sufficiently close relationship between test results and job performance. In denying relief, the Supreme Court drew a distinction in Davis between an equal protection claim, which it held could only be based on purposeful racial discrimination, and a claim under title VII of the 1964 Civil Rights Act, for which discriminatory intent need not be proven. The Court affirmed its previous holding in Griggs v. Duke Power, 401 U.S. 424, 1971 that title VII prohibits employment practices that disqualify a substantially disproportionate number of blacks, unless the practices are validated in terms of job performance. "However this process proceeds," Justice White wrote in describing the "more rigorous" title VII standard, "it involves a more probing judicial review of, and less deference to, the seemingly reasonable acts of administrators and executives than is appropriate under the Constitution where special racial impact, without discriminatory purpose, is claimed." While Davis made clear that statutory nondiscrimination requirements, such as the title VII ban on employment discrimination, are not subject to the same limitations as constitutional claims, and that Congress may by statute prohibit mere disproportionate racial impact or discriminatory effect, it did not indicate whether title VII standards apply in other statutory contexts, such as title VIII.

19/ In finding a lack of discriminatory purpose in the Arlington Heights case, the Court sought to indentify "without purporting to be exhaustive," subjects of proper inquiry in determining whether racially discriminatory intent existed. The courts enumeration and analysis of relevant factors, however, indicates no clear choice between a subjective and objective test for intent, but suggests that both kinds of evidence have a place. Generally, the inquiry is to include consideration of such "circumstantial and direct evidence as may be available." The opinion refers explicitly to the "motivation" of the defendants and deems relevant the contemporaneous statements and subsequent testimony of members of the decision-making body, (continued)

the Court of Appeals for the Seventh Circuit held that the Fair Housing Act claim should be sustained if "the Village's refusal to rezone effectively precluded plaintiffs from construction low-cost housing within Arlington Heights, because "at least under some circumstances a violation of title VIII can be established by a showing of discriminatory effect without a showing of discriminatory intent." 20/

The Supreme Court to date has not specifically addressed the question left open by Arlington Heights whether discriminatory effect or discriminatory purpose is the proper measure of a Fair Housing Act case, and the court of appeals have split over the extent to which the "effects test" developed by the Court in Griggs v. Duke Power Co., 21/ and other employment discrimination decisions, should be extended to housing cases. The Seventh Circuit's opinion

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(continued) minutes of its meetings, or reports. But the lack of testimonial or other direct evidence regarding the subjective motivation of the decision-makers was not crucial. Other elements of the analysis point to an objective test. In this regard, disproportionate racial impact is relevant, as are the "historical background of the decision" and the "specific sequence of events" leading to it, particularly if they show a "departure from the normal procedural sequence." Moreover, the Court noted that "substantive departures" from prior policy may be relevant to a finding of intent if "the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached." See, 429 U.S. 266-268.

20/ 558 F. 2d 1283, 1290 (7th Cir. 1977), cert. denied, 434 U.S. 1025, 1978.

21/ 401 U.S. 424, 1971. Griggs held that proof of discriminatory intent is not required by title VII of the 1964 Civil Rights Act, 42 U.S.C. 2000e et seq., which prohibits job requirements that have the effect of discriminating against blacks, even if they are adopted without any discriminatory motive. The Griggs court found that "Congress directed the thrust of the Act to the consequences of employment practices, not simply the motivation," and that "good intent or the absence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability." 401 U.S. at 432.

in Arlington Heights II relied on two decisions of the Eighth Circuit holding that title VIII prohibits housing practices with discriminatory effects, 22/ and the Third Circuit adopted the same position in a decision that came down after Arlington Heights. 23/ Taking the opposite view, the Sixth Circuit had rejected an effects test in an exclusionary zoning case similar to Arlington Heights, 24/ and the Fourth Circuit has also indicated, in a split decision, that it considered proof of discriminatory intent to be required in a title VIII case. 25/ The Second Circuit has produced conflicting decisions. 26/ Moreover, even those courts of appeal that have agreed that a showing of discriminatory impact or effect establishes a prima facie case under the Fair Housing Act, there are differences in the nature of the defendant's burden of justification resulting from such a showing.

Noting the similarity of the statutory prohibition discrimination "because of race" in title VII and title VIII, and the commitment to integrated housing instinct in the declaration of congressional policy in the Fair Housing Act,

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22/ Smith v. Anchor Building Corp., 536 F. 2d 231 (8th Cir. 1976); United States v. City of Black Jack, Missouri, 508 F. 2d 1179 (8th Cir. 1974), cert. denied, 435 U.S. 908, 1978.

23/ Resident Advisory Board v. Rizzo, 564 F. 2d 126 (3rd Cir. 1977), cert. denied, 435 U.S. 908, 1978.

24/ Joseph Skillken & Co. v. City of Toledo, 528 F. 2d 867 (6th Cir. 1975), vacated and remanded, 429 U.S. 1068, 1977; 558 F. 2d 350 (6th Cir. 1977), cert. denied, 434 U.S. 985, 1978.

25/ Madison v. Jeffers, 494 F. 2d 114 (4th Cir. 1973).

26/ Compare, Boyd v. Lefrak Organization, 509 F. 2d 1110 (2d Cir. 1975), cert. denied, 423 U.S. 896, 1975 with Kennedy Park Homes Ass'n v. City of Lackawanna, 436 F. 2d 108 (2d Cir. 1970), cert. denied, 401 U.S. 1010, 1971. See, also Citizens Committee for Faraday Wood v. Lindsey, 507 F. 2d 1065 (2d Cir. 1974), cert. denied, 421 U.S. 948 (1975); Acevendo v. Nassau County, 500 F. 2d 1078 (2d Cir. 1974).

the Seventh Circuit in Arlington Heights II reasoned that conduct that perpetuates segregation is as destructive of open housing as intentionally discriminatory action. As in Griggs, however, the appeals court recognized that not all practices with discriminatory effects are illegal and identified four "critical factors" that it considered relevant to a determination of liability under title VIII.

> (1) how strong is the plaintiff's showing of discriminatory effect; (2) is there some evidence of discriminatory intent, though not enough to satisfy the constitutional standard of Washington v. Davis; (3) what is the defendant's interest in taking the action complained of; and (4) does the plaintiff seek to compel the defendant to affirmatively provide housing for members of minority groups or merely to restrain the defendant from interfering with individual property owners who seek to provide such housing. 27/

Applying these criteria, the court found that the Village acted pursuant to a legitimate zoning interest, the protection of property values and preservation of the integrity of its comprehensive zoning plan, and that its refusal to rezone was not racially motivated. On the other hand, the moderately disproportionate impact of its refusal to rezone--the disparity between a 40 percent minority representation in the class of eligible low-income tenants and the 18 percent minority representation in the area of population--coupled with the nearly all-white population of the Village itself, constituted a strong discriminatory effect. Because developers of the proposed project merely sought to enjoin the Village from interfering with private efforts to build integrated housing, however, it concluded that resolution depended upon clarification of whether the Village's zoning decision actually perpetuated segregation within its borders. Thus if the trial court was unable to identify other property in the village both properly zoned and suitable for

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27/ 558 F. 2d at 1290.

federally subsidized low income housing, the refusal to rezone would result in a discriminatory effect strong enough to constitute a violation of Title VIII.

United States v. City of Black Jack 28/ is unique among the early exclusionary zoning cases because it was a title VIII suit brought by the Attorney General, and no claim under the Equal Protection Clause was involved. In Black Jack, the Eighth Circuit struck down a zoning ordinance that prevented construction of a subsidized, integrated housing development in an all white community near St. Louis, despite a trial court finding that Black Jack had not acted out of racial motives. Although there was substantial evidence of discriminatory purpose, the court explicitly refused to base its holding on this evidence. Rather, it cited a number of equal protection and title VIII cases to support its conclusion that

> the plaintiff need prove no more than that the conduct of the defendant actually or predictably results in racial discrimination; in other words, that it has a discriminatory effect. The plaintiff need make no showing whatsoever that the action resulting in racial discrimination in housing was racially motivated. Effect, and not motivation, is the touchstone. . . . 29/

The court measured the effect of the city's action in terms of its ultimate effect and rejected the district court's reasoning that since approximately the same percentages of blacks and whites in the area would be eligible for residence in the project, the law did not operate in a racially discriminatory fashion. Conceding that the metropolitan area as a whole was substantially segregated "in large measure [as a] result of deliberate racial discrimination in the housing market, by the real estate industry, and by agencies of the federal, state, and local governments," it considered the city's ordinance

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28/ 508 F. 2d 1179 (8th Cir. 1974), cert. denied, 422 U.S. 1042, 1975.

29/ 508 F. 2d at 1184-85.

"but one more factor confining blacks to low income housing in the center city." 30/ Thus, the Eighth Circuit went on to determine that the city's action in blocking the development did have a discriminatory efect and that its claimed justification for that action---controlling traffic, preventing overcrowded schools, and maintaining property values--were inadequate to meet its evidentiary burden.

Resident Advisory Board v. Rizzo, 31/ was the first exclusionary zoning case to reach a Federal appeals court after the Supreme Court decided Arlington Heights. That suit involved an effort by local officials to prevent construction of a low-income housing project in the Whitman Urban Renewal Area in South Philadelphia, a virtually all-white neighborhood. The Third Circuit held that the city's housing and redevelopment authorities, though not shown to have purposefully discriminated, nevertheless violated title VIII, because their "acts had discriminatory effect and . . . the agencies have failed to justify the discriminatory results of their actions." 32/ In reaching this conclusion, the court considered the history of racial segregation in Philadelphia and the fact that 95 percent of the persons on the city's waiting list for public housing were racial minorities. Further discussing the title VIII standard of proof, the Rizzo court stated that plaintiffs' prima facie case could be rebutted by evidence that defendants' action served a legitimate interest and was the means which produced the least adverse effect on racial minorities. Local officials failed at trial to produce such

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30/ 508 F. 2d at 1186.

31/ 564 F. 2d 126 (3d Cir. 1977), cert. denied, 435 U.S. 908 (1978).

32/ 564 F. 2d at 146.

evidence, however, and in dicta, the Third Circuit went on to indicate that any colorable interest of the State in preventing racial disturbances did not sufficiently outweigh or justify the infringement of rights protected by title VIII.

Predicting a significant increase in exclusionary zoning litigation under title VIII, the Rizzo opinion observed:

> Until relatively recently, federal courts were not often called upon to adjudicate Title VIII claims. We attribute this circumstance to our impression that, at least with respect to alleged discrimination in housing by governmental agencies, the inquiry into claimed equal protection violations has made unnecessary a separate consideration of the 'coextensive' rights and remedies afforded by Title VII. However, given the increased burden of proof which Washington v. Davis and Arlington Heights now place upon equal protection claimants, we suspect that Title VIII will undoubtedly appear as a more attractive route to nondiscriminatory housing, as litigants become increasingly aware that Title VIII rights may be enforced even without direct evidence of discriminatory intent. We conclude that, in Title VIII cases, by analogy to Title VII cases, unrebutted proof of discriminatory effect alone may justify federal equitable response. 33/

Thus, the Third Circuit interpreted Title VIII in a manner similar to the Eighth Circuit's interpretation in Black Jack and to the Seventh Circuit's decision on remand in Arlington Heights, mandating construction of the project and enjoining governmental defendants from interfering with it.

On June 5, 1980, the U.S. District Court for the Northern District of Ohio ruled in United States v. City of Parma 34/ that the City of Parma, Ohio, a white suburb of Cleveland, had engaged in a "pattern and practice" of racial exclusion in violation of the Fair Housing Act. In the first such Justice Department suit against a municipality for actions beyond the frustration of a specific proposed housing development, the court found that Parma's

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33/ 564 F. 2d at 146.

34/ 494 F. Supp. 1049 (N.D. Ohio 1980).

persistent resistance to the construction of low-income housing was motivated by racial considerations and had discriminatory effects. "Regardless of whether a 'racially discriminatory intent' or a 'racially discriminatory effects' standard is employed," the court stated, "Parma has violated Section 804(a) and 817 of the Fair Housing Act."

The decision was based on the government's evidence regarding five series of actions taken by Parma officials between 1968 to 1975, all of which were claimed to have inhibited or prevented blacks from moving into Parma, thereby establishing a policy of racial exclusion. The specific actions or series of actions that constituted the core of the government's case included the city's rejection of Community Development Block Grant funds and the required HAP Plan; its refusal to adopt a fair housing resolution welcoming "all persons of good will" to Parma; its general oppositon to public or low-income housing; its denial of building permits to the developers of a federally subsidized low-income project called Paramatown Woods; and its adoption of land-use ordinances imposing height, parking, and voter approval restrictions that had, in the court's view, the "purpose and effect" of preventing the construction of low-income housing in Parma.

The court found the evidence of racially discriminatory intent "overwhelming," with public expressions of racial bias not limited solely to residents of the city but its highest elected public officials as well.

> Every time Parma was confronted with the choice between decisions that would have had an integrative or segregative effect, Parma chose the latter. The city of Parma consistently has made decisions which have perpetuated and re-enforced its image as a city where blacks are not welcome. This is the very essence of a pattern and practice of racial discrimination. 35/

35/ 494 F. Supp. at 1097.

But the city violated the Fair Housing Act not only because it made decisions with the intent to discriminate, but also because its decisions had significant discriminatory effects. The challenged actions, the court held, "have had the effect, individually, and collectively, of excluding blacks from the City, maintaining the segregated character of the City, preventing the construction of housing in which blacks might reside, and deterring developers from proposing and constructing integrated housing." 36/ In addition to a pattern and practice of violating rights secured by the Fair Housing Act, the court found that the city had prevented groups of persons from enjoying these rights. Besides blacks, who had been prevented or deterred from obtaining housing in Parma, Parma residents were found to have been denied the right and benefit of inter-racial association guaranteed by the Act, and the city had interfered with private developers attempting to provide equal housing opportunities in Parma, all in violation of the Act.

In reaching its conclusions, the court rejected Parma's defense that its demographic patterns were the result of free choice, and the argument that it was unfair to single out the City alone when other localities in the Cleveland area were indistinguishable in demography and past public actions. The court also pointed out that

> Actions which are typically lawful, such as mandatory referendum on housing and zoning matters, a locality's decision not to apply for federal assistance in housing, and a community's refusal to promote low-income housing, lose that character when they are undertaken for a discriminatory purpose. 37/

36/ 494 F. Supp. at 1100.

37/ Id., at 15927.

It was the court's findings, however, with respect to the segregative effects of the city's actions that may have the greatest precedential value, for it seems unlikely that evidence regarding discriminatory intent, which in Parma's case was substantial, could be developed to the same extent in many other communities. 38/

The courts have also begun to scrutinize local policies with regard to low and moderate-income housing in connection with school desegregation proceedings. For example, in response to the U.S. District Court order in Liddell v. Board of Education, 39/ the St. Louis Board of Education, with cooperation of the Community Development agency of St. Louis, and the U.S. Department of Housing and Urban Development filed a suggested plan, as required by the order, "for insuring that the operation of federally-assisted housing programs in the St. Louis metropolitan area will facilitate the school desegregation order therein." Under the proposed plan, three major objectives are set forth:

> 1) to assure that assisted housing programs supported ongoing efforts to desegregate schools; 2) to establish methods whereby state and local officials can utilize Federal programs related to housing and urban development to assist in school desegregation; and 3) to

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38/ On December 14, 1980, U.S. District Judge Battisti issued his remedial order in the Parma case. That order required the city to affirmatively seek minority residents to occupy low and moderate-income housing required to be built at a rate of at least 133 units annually, and provided for a special master to oversee these efforts. In addition, Judge Battisti invalidated a Parma ordinance requiring voter approval for low-income housing and portions of other ordinances restricting low and moderate-income housing construction. A Fair Housing Committee was also created to develop advertising and educational programs and draft a fair housing resolution; develop an outreach program to make Parma an open community, and to establish ties with regional fair housing and minority groups; establish a housing information and referral service to assist interested parties; develop programs to foster an interest among housing developers in constructing low-income housing in Parma; and conduct a survey of vacant land in Parma suitable for use in low-income housing development. See, Wall Street Journal, p. 13, December 5, 1980.

39/ 491 F. Supp. 351 (E.D. Mo. 1980).

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> specify the actions HUD will take in connection with its assisted housing programs to facilitate and augment the efforts of state and local officials to expand housing opportunities throughout the St. Louis Metropolitan area. 40/

Toward this end, HUD states that it will seek to assure a net increase in the number of minority children living outside racially impacted areas as a result of the use of its programs. Furthermore, where there is substantial evidence "that, notwithstanding affirmative efforts to attract persons to projects, the sale or rental of units in a project will result in the denial of equal housing opportunities," HUD and the Department of Justice will consider the imposition of sales and occupancy restrictions to the extent permissible in the program to achieve the ends of the plan. 41/

On September 24, 1980, the U.S. Department of Justice and the Chicago Board of Education signed a comprehensive agreement requiring desegregation of the Nation's third largest public school system by the start of the 1981-82 school year. 42/ The agreement, recognizing that "school boards acting alone cannot relieve the segregation that exists in cities as large as Chicago," commits the Justice Department to bring about a coordinated administration of federal programs in Chicago to help create and maintain stably integrated schools. Under the agreement, the Justice Department will complete its investigation of whether the State of Illinois, suburban school districts, and suburban housing and land use laws contributed to racial segregation in the Chicago metropolitan area. Results of the investigation will be

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40/ Potomac Institute, Metropolitan Housing Memorandum 80-5, p. 7, Dec. 1980.

41/ Id., at p. 8.

42/ Dept. of Justice Press Release, September 24, 1980.

submitted to the court and the Justice Department will take whatever legal action is appropriate. The Chicago case appears to the first attempt by the government to link housing, employment, and schools to achieve integration on a metropolitan basis.

As a result of a two year investigation prompted by complaint of the NAACP, the Department of Justice on December 1, 1980, initiated a title VI suit against Yonkers, N.Y., a suburb of New York City, for racially segregating its schools and supporting this policy by forbidding the construction of Federally assisted housing projects outside of minority neighborhoods. 43/ In addition to denying minorities equal housing opportunities, the suit alleges that the location of housing reinforced the segregated character of the school system. In a related action, HUD has conditioned Yonkers' $4.3 million fiscal 1980 community development block grant on the city's implementation of an affirmative housing plan.

However, Joseph Skillken & Co. v. City of Toledo 44/ demonstrates that not all of the courts of appeals are receptive to exclusionary zoning cases. The Sixth Circuit there upheld Toledo's decision to block a subsidized housing development in an affluent, all-white neighborhood despite an extremely disproportionate racial impact. Toledo had a 14 percent minority population, while minorities comprised 70 percent of those on the waiting list for this type of housing. The district court, which ruled for the plaintiffs, had initially decided that Toledo's refusal to permit the development was

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43/ Dept. of Justice Press Release, December 1, 1980.

44/ 528 F. 2d 350 (6th Cir. 1977), cert. denied, 429 U.S. 1068, 1977.

racially motivated, but ultimately based its decision not on defendants' motivation, but on the fact that their action would have a racial discriminatory effect and would perpetuate residential segregation in Toledo. 45/

In reversing, the Sixth Circuit concluded that the court below erred in finding official discrimination, but its opinion does not make clear whether it also disagreed with the trial court's finding of discriminatory effect. Rather, the appeals court stated simply that low cost public housing does "not belong" in exclusive neighborhoods, "where property owners, relying on the zoning laws, have spent large sums of money to build fine homes for the enjoyment of their families." 46/ This emphasis on the economic interests of local residents also led the Sixth Circuit to declare that granting the injunction sought by the plaintiffs would mean that "[i]nnocent people who labored hard all of their lives and saved their money to purchase homes in nice residential neighborhoods, and who never discriminated against anyone, would be faced with a total change in their neighborhoods, with the values of their properties slashed." 47/ Accordingly, the court of appeals held that a racially neutral policy was not invalid under either the Equal Protection Clause or the Fair Housing Act just because it had a greater impact on minorities.

To recapitulate, recent trends in the case law indicate that discriminatory exercise of municipal land use authority may constitute a volation of title VIII and related constitutional and statutory guarantees. The major issue in the cases decided thus far relates to what constitutes sufficient proof of a

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45/ 380 F. Supp. 228 (N.D. Ohio 1974).

46/ 528 F. 2d at 881.

47/ 528 F. 2d at 881.

discriminatory practice, and the nature of defendant's burden to provide adequate justification. The Third, Seventh, and Eighth Circuits have held that, in cases challenging municipal land use policies, a showing of discriminatory effect is sufficient to sustain the plaintiff's burden of proof under title VIII, while the Sixth Circuit in Skillken appeared to reject the "effects test" in favor of a more rigorous approach. Significantly, the Seventh circuit identified two separate kinds of discriminatory effect that could be made the basis of a Title VIII action. The first, or so-called "disparate impact" test, was found inappropriate in Arlington Heights II, despite the fact that the Village's refusal to rezone adversely affected a relatively greater percentage of minorities than white, because 60 percent of the eligible applicants for subsidized housing in the area were white. But this factor did not preclude a finding of discriminatory effect under the second test adopted by the Rizzo and Arlington Heights II courts; that is, "if it perpetuates segregation and thereby prevents interracial association it will be considered invidious under the Fair Housing Act independently of the extent to which it produces a disparate impact on different racial groups" 48/ However, the elements necessary to prove a discriminatory effect, as well as the sufficiency of rebuttal evidence, are still in the process of judicial definition.

That there may be limits to the relief available to Title VIII plaintiffs in exclusionary zoning cases is also apparent from Arlington Heights II and Rizzo. For example, those decisions indicate that municipalities may defend a challenge to a particular land use policy demonstrating that another parcel of land appropriately zoned and equally suitable for the proposed use, exists

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48/ 558 F. 2d at 1290.

within the community. That is, title VIII liability might attach only where it could be shown that adequate housing opportunities for minorities do not already exist and that the challenged zoning action forecloses any possibility for future development. In addition, neither court determined whether title VIII, which requires HUD to "affirmatively" promote integrated Housing 48/ also compels the States or localities to provide for integrated housing within their borders. 49/ Thus, while local government officials might be precluded by title VIII from using their zoning powers to prevent all private development of low and moderate-income housing, there may be less judicial willingness to find a duty imposed on the municipality itself to provide such housing.

48/ 42 U.S.C 3608(d)(5) provides: "The Secretary of Housing and Urban Development shall . . . (5) administer the programs and activities related to housing and urban development in a manner affirmatively to further the policies of this subchapter.

49/ The few courts that have considered the scope of § 3608(d)(5) have reached conflicting conclusions. In Acevedo v. Nassau County, 500 F. 2d 1978 (2d Cir. 1974) the Second Circuit held that § 3608(d)(5)'s affirmative mandate to promote integration applied only to HUD. In contrast, a different panel of the Second Circuit in Otero v. New York City Housing Authority, 484 F. 2d 1122 (2d Cir. 1973) held that § 3608(d)(5) also imposes an affirmative duty on local governments. The court reasoned that the Secretary's duty passes through him to other agencies administering Federally assisted housing projects. Without relying on the language of § 3608(d)(5), other courts have required local governments to foster open housing because they consider the active leadership of local governmental authorities essential to increased minority housing. See, Banks v. Park, 341 F. Supp. 1175 (N.D. Ohio) (duty of city administrator to support and aid housing projects), rev'd in part on other grounds, 473 F. 2d 910 (6th Cir. 1973); Crow v. Brown, 332 F. Supp. 362 (N.D. Ga. 1971) (responsibility of municipality for racial concentration within its border). Of course, Rizzo and the Parma case demonstrate that title VIII can result in a court order requiring the defendant to build integrated housing, but at the same time show that the relief in such a case should be tailored to correcting the particular violation proved.

Generally, the touchstone for title VIII liability is defined in terms of actions and inactions which interfere with housing opportunities, not the failure to provide remedial housing assistance. 50/ In any event, the Third Circuit in Rizzo stressed that the special problems posed by exclusionary zoning litigation, particularly those concerning relief and the defendant's justification, required a delicate case-by-case approach to the use of the effect standard under title VIII.

It should also be emphasized that absent evidence that local land use policies are discriminatory in purpose or effect, there is no authority in title VIII or the Constitution for either negating plans and regulations that exclude low and moderate income individuals from a locality, or requiring municipalities to take affirmative action with respect to such persons. 51/ Moreover, in Hills v. Gautreaux 52/ the Supreme Court accorded substantial deference to local land use decisions, and has elsewhere also indicated its

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50/ See, 42 U.S.C. 3604, 3605, 3606.

51/ Of course, communities receiving funds under the Community Development Block Grant Program are required, as a condition to assistance under the Act, to adopt a housing assistance plan addressing the housing needs of low and moderate-income persons in the area in which the community is located. See discussion at p. 2 (supra).

52/ 425 U.S. 284, 1976. That case involved the unconstitutional practices of the Chicago Housing Authority and HUD with respect to the location of public housing projects in Chicago. The Supreme Court held that it was within the remedial power of the district court to require the Authority to seek dispersal of public housing projects outside the city limits (also within its jurisdiction) since such an order would not necessarily interfere with local government operations. The Court emphasized that those suburbs not implicated in the violation would retain their statutory power to withhold approval of federally subsidized housing within their borders, even though a metropolitan plan was appropriate to remedy the discriminatory acts of HUD and the authority.

support for use of referenda and the political process in reaching zoning decisions free of racial overtones. Thus, for example, in James v. Valtierra, 53/ the Court upheld an amendment to the California Constitution requiring approval by local referendum of low-income public housing projects before construction could begin. In so doing, the Court was particularly influenced by the long history of referenda in California, and the fact that public housing was only one area subject to referenda. It was only reasonable for the people to have a voice on public housing since it might financially burden them. Additionally, the record did not show that the referendum requirement "was aimed at a racial minority." The Court stated: "The Article requires referendum approval for any low-rent public housing project not only for projects which will be occupied by a racial minority." 54/

As in the Parma case, however, the courts might, consistently with James, invalidate referenda on low and moderate-income housing where their history is not similarly race-neutral. In Reitman v. Mulkey 55/ the Supreme Court gave its explicit imprimatur to considerations of historical context in evaluating the lawfulness of referendum outcomes. It then rejected a California constitutional amendment, adopted by initiative, that would have prohibited legislative interference with private homeowner's freedom to sell to whomever he chose. In doing so, the Court noted that the amendment was passed after a long legislative struggle to pass open housing laws. The Court concluded that the purpose of the amendment was to promote discrimination, and that

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53/ 402 U.S. 137, 1971.

54/ 402 U.S. at 141.

55/ 387 U.S. 369, 1967.

its ultimate effect would be to preclude future State action to combat discrimination. As such, Reitman provides authority for the proposition that referendum results may be challenged in terms of historical context and ultimate discriminatory effect. 56/

Finally, it appears the the Parma case, discussed above, was one of a total five actions by the Justice Department challenging exclusionary land use practices during the first ten years after enactment of the Fair Housing Act. The other four cases were in Black Jack, Missouri; Lackawanna, New York, Sault Ste. Marie, Michigan; and Milford, Ohio. Since that time, in addition to the school desegregation suits in St. Louis, Chicago, and Yonkers (supra), the Department has initiated or participated in at least seven other exclusionary zoning cases during 1979 and 1980. Thus, the Department has intervened as plaintiff in a private suit charging the attempt by the Town of Manchester, Connecticut, to withdraw from the Community Development Block Grant Program pursuant to an alleged racially inspired referendum violates both the Fair Housing Act and the Fourteenth Amendment. Suit was also filed by the Department against the City of Birmingham, Michigan, alleging that it had pursued a "pattern or practice" of preventing the development of racially integrated low-income housing within its boundaries. In a suit against the City of Dunkirk, New York—which, unlike Manchester and Birmingham, has a

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56/ See, also, SASSO v. City of Union City, 424 F. 2d 191 (9th Cir. 1970) (historical evidenc was not so unambiguous as to warrant finding of discrimination in a referendum result which prohibited construction of low-income project which the city had approved); Otey v. Common Council of Milwaukee, 281 F. Supp. 264 (E.D. Wisc. 1968). But cf., Ranjel v. City of Lansing, 293 F. Supp. 301, (W.D. Mich.), rev'd, 417 F. 2d 321 (6th Cir. 1969), cert. denied, 397 U.S. 980 (1970). (appellate court ruling that discriminatory) purpose is irrelevant to legality of proposed referendum on a planned low-income housing project; holding may be questionable after Supreme Court ruling in Arlington Heights.

significantly minority population--the Department has alleged that the City prevented the construction of low and moderate-income housing in white neighborhoods within its boundaries. It has also intervened in a private suit on behalf of the Lummi Indian Tribe in the State of Washington, challenging the State's interference with the Tribe's ability to provide sewer facilities, and thereby provide housing for Indian residents of the Lummi Reservation. Related suits involving land use practices, or other municipal policies regarding low and moderate income housing, have within the last year been filed by the Department against Chickasaw, Alabama; Texarkana, Texas; and Hartford, Connecticut. 57/

In a June 2, 1980, speech to a national conference on The Liability Crisis in County Government, co-sponsored by the National Association of Counties and various legal groups, Assistant Attorney General under the Carter Administration, Drew S. Days III, indicated the Justice Department's concern over the exclusion of federally subsidized low and moderate income housing by local government action.

> We do not seek to invalidate the exercise of local governmental authority so long as it does not conflict with the Fair Housing Act. . . . [I]t is possible for the general operation of a municipality's land use practices to violate the Fair Housing Act even in the absence of specific actions directed toward blocking particular housing developments. The existence of a notoriously exclusionary policy can serve to deter developers from even attempting to build certain types of housing in a municipality. 58/

Whether exclusionary zoning practices will continue to be a priority concern of the Department of Justice under the Reagan Administration remains to be seen.

57/ Information obtained from Dept. of Justice Press Releases issued during 1979 and 1980.

58/ Remarks of Drew S. Days III, Assistant Attorney General, Civil Rights Division Before the Third National Conference on the Liability Crisis in County Government, held in Atlanta, Georgia, on June 2, 1980. p. 6.

APPENDIX

REPORTS FROM THE 1980 CENSUS OF POPULATION AND HOUSING WHICH CONTAIN SPANISH ORIGIN DATA

1980 CENSUS VOLUME I AND II POPULATION REPORTS CONTAINING SPANISH ORIGIN DATA

REPORTS NOW AVAILABLE

PC80-1-B General Population Characteristics

Reports available for each State and the District of Columbia. Reports for the United States, Puerto Rico, and the outlying areas are forthcoming.

REPORTS PLANNED FOR PUBLICATION

PC80-1-C General Social and Economic Characteristics

Reports will be prepared for the United States, each State, the District of Columbia, Puerto Rico, and the outlying areas.

PC80-1-D Detailed Population Characteristics

Reports will be prepared for the United States, each State, the District of Columbia, Puerto Rico, and the outlying areas.

PC80-2 Subject Reports

Each of the reports in this volume focuses on a particular subject. Selected subject reports will contain data on the Spanish origin population. In addition, tentative plans are to prepare a separate subject report focusing on persons of Spanish origin and persons of Spanish surname in the United States.

1980 CENSUS HOUSING REPORTS, VOLUMES I THROUGH V, CONTAINING SPANISH ORIGIN DATA

REPORTS NOW AVAILABLE

HC80-1-A General Housing Characteristics

Reports available for each State and the District of Columbia. Reports for the United States, Puerto Rico, and the outlying areas are forthcoming.

REPORTS PLANNED FOR PUBLICATION

HC80-1-B Detailed Housing Characteristics

Reports will be prepared for the United States, each State the District of Columbia, Puerto Rico, and the outlying areas.

HC80-2 Metropolitan Housing Characteristics

Reports will be prepared for the United States, each State, each Standard Metropolitan Statistical Area, the District of Columbia, and Puerto Rico.

HC80-3 Subject Reports

Each of the reports in this volume focuses on a particular subject. Plans for these reports are currently being developed. Selected subject reports will contain data on the Spanish origin population.

HC80-4 Components of Inventory Change

HC80-5 Residential Finance

1980 CENSUS SUPPLEMENTARY REPORTS CONTAINING SPANISH ORIGIN DATA

SERIES PC80-S1, PHC80-S1, and PHC80-S2

Population Reports - Series PC80-S1

1 Age, Sex, Race, and Spanish Origin of the Population by Regions, Divisions, and States: 1980

5 Standard Metropolitan Statistical Areas and Standard Consolidated Statistical Areas: 1980

7 Persons of Spanish Origin by State: 1980

Joint Population and Housing Reports

PHC80-S1-1 Provisional Estimates of Social, Economic, and Housing Characteristics

PHC80-S2 Advance Estimates of Social, Economic, and Housing Characteristics. (Data are now being released in a report for each state on a flow basis.)

1980 CENSUS JOINT POPULATION AND HOUSING REPORTS CONTAINING SPANISH ORIGIN DATA

SERIES PHC80

REPORTS NOW AVAILABLE

PHC80-V Final Population and Housing Unit Counts

Presents provisional population counts. Reports are available for the United States and each State.

PHC80-1 Block Statistics

This set of reports consists of 375 sets of microfiche (no printed reports), and includes a report for each Standard Metropolitan Statistical Area (SMSA), showing blocked areas within the SMSA, and a report for each State and for Puerto Rico, showing blocked areas outside SMSAs, and a U.S. Summary report which is an index to the set. In addition to microfiche, printed detailed maps showing the blocks covered by the particular report are available.

PHC80-3 Summary Characteristics for Governmental Units and Standard Metropolitan Statistical Areas

There is one report for each State, the District of Columbia, and Puerto Rico.

REPORTS PLANNED FOR PUBLICATION

PHC80-2 Census Tracts

One report will be prepared for each SMSA, as well as one for most States and Puerto Rico covering the tracted areas outside SMSAs (designated selected areas).

PHC80-4 Congressional Districts of the 98th Congress

One report will be issued for each State and the District of Columbia.

PHC80-SF-1 Neighborhood Statistics Program

Tentative plans are to prepare a report for each State and for the District of Columbia.

U.S. Bureau of the Census, Current Population Survey Reports

Series P-20 - Population Characteristics

No.	Title
213	Persons of Spanish Origin in the United States: November 1969
224	Selected Characteristics of Persons and Families of Mexican, Puerto Rican, and Other Spanish Origin: March 1971
238	Selected Characteristics of Persons and Families of Mexican, Puerto Rican, and Other Spanish Origin: March 1972
250	Persons of Spanish Origin in the United States: March 1972 and 1971
259	Persons of Spanish Origin in the United States: March 1973 (Advance report)
264	Persons of Spanish Origin in the United States: March 1973
267	Persons of Spanish Origin in the United States: March 1974 (Advance report)
280	Persons of Spanish Origin in the United States: March 1974
283	Persons of Spanish Origin in the United States: March 1975 (Advance report)
290	Persons of Spanish Origin in the United States: March 1975
302	Persons of Spanish Origin in the United States: March 1976 (Advance report)
310	Persons of Spanish Origin in the United States: March 1976
317	Persons of Spanish Origin in the United States: March 1977 (Advance Report)
328	Persons of Spanish Origin in the United States: March 1978 (Advance Report)
329	Persons of Spanish Origin in the United States: March 1977
339	Persons of Spanish Origin in the United States: March 1978
347	Persons of Spanish Origin in the United States: March 1979 (Advance Report)
354	Persons of Spanish Origin in the United States March 1979
361	Persons of Spanish Origin in the United States March 1980 (Advance Report)

EDUCATIONAL CHARACTERISTICS

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220	Ethnic Origin and Educational Attainment: November 1969
257	Undergraduate Enrollment in 2-Year and 4-Year Colleges: October 1972
260	Social and Economic Characteristics of Students: October 1972
272	Social and Economic Characteristics of Students: October 1973
274	Educational Attainment in the United States: March 1973 and 1974
278	School Enrollment - Social and Economic Characteristics of Students: October 1974
281	Income and Expenses of Students Enrolled in Postsecondary Schools: October 1973
284	College Plans of High School Seniors: October 1974
286	School Enrollment - Social and Economic Characteristics of Students: October 1974
289	Major field of Study of College Students: October 1974
294	School Enrollment - Social and Economic Characteristics of Students October 1975 (Advance Report)
295	Educational Attainment in the United States: March 1975
298	Daytime Care of Children: October 1974 and February 1975
299	College Plans of High School Seniors: October 1975
303	School Enrollment—Social and Economic Characteristics of Students: October 1975
309	School Enrollment—Social and Economic Characteristics of Students: October 1976 (Advance Report)
314	Educational Attainment in the United States: March 1977 and 1976
319	School Enrollment—Social and Economic Characteristics of Students: October 1976
321	School Enrollment—Social and Economic Characteristics of Students: October 1977 (Advance Report)
333	School Enrollment--Social and Economic Characteristics of Students: October 1977
335	School Enrollment—Social and Economic Characteristics of Students: October 1978 (Advance Report)

337 Relative Progress of Children in School: 1976

342 Travel to School: October 1978

343 Vocational School Experience: October 1976

346 School Enrollment--Social and Economic Characteristics of Students: October 1978

351 Major Field of Study of College Students: October 1978

355 School Enrollment — Social and Economic Characteristics of Students: October 1979 (Advance Report)

356 Educational Attainment in the United States: March 1979 and 1978

360 School Enrollment—Social and Economic Characteristics of Students: October 1979

362 School Enrollment—Social and Economic Characteristics of Students: October 1980 (Advance Report)

FERTILITY

No.	Title
226	Fertility Variations by Ethnic Origin: November 1969
254	Birth Expectations of American Wives: June 1973
265	Fertility Expectations of American Women: June 1973
269	Prospect for American Fertility: June 1974
277	Fertility Expectation of American Women: June 1974
288	Fertility History and Prospects of American Women: June 1975
301	Fertility of American Women: June 1975
308	Fertility of American Women: June 1976
315	Trends in Childspacing: June 1975
316	Fertility of American Women: June 1977 (Advance Report)
325	Fertility of American Women: June 1977
330	Fertility of American Women: June 1978 (Advance Report)
341	Fertility of American Women: June 1978
358	Fertility of American Women: June 1979
364	Fertility of American Women: June 1980 (Advance Report)
369	Fertility of American Women: June 1981 (Advance Report)
375	Fertility of American Women: June 1980

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313	Households and Families by Type: March 1977 (Advance Report)
326	Household and Family Characteristics: March 1977
327	Households and Families by Type: March 1978 (Advance Report)
340	Household and Family Characteristics: March 1978
345	Households and Families by Type: March 1979 (Advance Report)
352	Household and Family Characteristics: March 1979
366	Household and Family Characteristics: March 1980
371	Household and Family Characteristics: March 1981

MARITAL STATUS AND LIVING ARRANGEMENTS

No.	Title
297	Number, Timing, and Duration of Marriages and Divorces in the United States: June 1975
306	Marital Status and Living Arrangements: March 1976
312	Marriage, Divorce, Widowhood, and Remarriage by Family Characteristics: June 1975
323	Marital Status and Living Arrangements: March 1977
338	Marital Status and Living Arrangements: March 1978
349	Marital Status and Living Arrangements: March 1979
365	Marital Status and Living Arrangements: March 1980
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MIGRATION

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305	Geographical Mobility: March 1975 to March 1976
320	Geographical Mobility: March 1975 to March 1977
331	Geographical Mobility: March 1975 to March 1978
353	Geographical Mobility: March 1975 to March 1979
368	Geographical Mobility: March 1975 to March 1980
377	Geographical Mobility: March 1980 to March 1981

POPULATION PROFILE

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279	Population Profile of the United States: 1974
292	Population Profile of the United States: 1975
307	Population Profile of the United States: 1976
324	Population Profile of the United States: 1977
334	Demographic, Social, and Economic Profile of States: Spring 1976
336	Population Profile of the United States: 1978
350	Population Profile of the United States: 1979
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275	Voter Participation in November 1974
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304	Voter Participation in November 1976 (Advance Report)
322	Voting and Registration in the Election of November 1976
332	Voting and Registration in the Election of November 1978 (Advance Report)
344	Voting and Registration in the Election of November 1978
359	Voting and Registration in the Election of November 1980 (Advance Report)
370	Voting and Registration in the Election of November 1980

U. S. Bureau of the Census, Current Population Survey Reports

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INCOME AND POVERTY STATUS

No.	Title
91	Characteristics of the Low-Income Population 1972
94	Characteristics of the Low-Income Population 1973 (Advance Report)
98	Characteristics of the Low-Income Population: 1973
99	Money Income and Poverty Status of Families and Persons in the United States: 1974 (Advance Report)
102	Characteristics of the Population Below the Poverty Level: 1974
103	Money Income and Poverty Status of Families and Persons in the United States: 1975-1974 Revisions
104	Household Money Income in 1975 and Selected Social and Economic Characteristics of Households
105	Money Income in 1975 of Families and Persons in the United States
106	Characteristics of the Population Below the Poverty Level: 1975
107	Money Income and Poverty Status of Families and Persons in the United States: 1976 (Advance Report)
108	Household Money Income in 1975, by Housing Tenure and Residence, for the United States, Regions, Divisions, and States (Spring 1976 Survey of Income and Education)
109	Household Money Income in 1976 and Selected Social and Economic Characteristics of Households
110	Money Income and Poverty Status in 1975 of Families and Persons in the United States and the Northeast Region, by Divisions and States (Spring 1976 Survey of Income and Education)
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WHICH CONTAIN SPANISH ORIGIN DATA

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SERIES PC(1), HC(1), and HC(2)

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PC(1)-C General Social and Economic Characteristics

PC(1)-D Detailed Characteristics

Housing Reports

HC(1)-B Detailed Housing Characteristics (Reports available for the United States, each State, the District of Columbia, Puerto Rico, and the outlying areas.)

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1C Persons of Spanish Origin
1D Persons of Spanish Surname
1E Puerto Ricans in the United States

Migration

2A State of Birth
2C Mobility for Metropolitan Areas
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Fertility

3A Women by Number of Children Ever Born
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Marriage and Living Arrangements

4A Family Composition
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5A School Enrollment
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1 Housing Characteristics by Household Composition

2 Housing of Senior Citizens

3 Space Utilization of the Housing Inventory

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6 Mobile Homes

7 Geographic Aspects of the Housing Inventory

1970 CENSUS JOINT POPULATION AND HOUSING REPORTS CONTAINING SPANISH ANCESTRY DATA

Census Tract Reports, Series PHC(1) - This series of reports consists of 241 individual reports. Each report refers to a particular Standard Metropolitan Statistical Area (SMSA) (as recognized at the time of the 1970 census) and gives selected population and housing data for the census tracts of the SMSA and for specially tracted areas--if they exist--adjacent to the SMSA.

Employment Profile of Selected Low-Income Areas, Series PHC(3) - This series consists of 76 individual reports. The data relate to low-income neighborhoods of 51 cities and of 7 rural poverty areas.

U.S. BUREAU OF THE CENSUS, SURVEY OF MINORITY-OWNED BUSINESSES

MB-1 Minority-Owned Businesses: 1969

MB72-2 Minority-Owned Businesses Spanish Origin: 1972

MB77-2 Minority-Owned Businesses Spanish Origin: 1977

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 1, 1983

Honorable Robert Garcia
Committee on Post Office and
Civil Service
Subcommittee on Census and Population
601 House Office Building, Annex 1
Washington, D.C. 20515

Dear Bob:

In response to your request for comments on the Congressional Research Service Report on the Hispanic population I am submitting remarks on two of the four examined areas, education and housing.

A few of the needs for education are the following:

- Bilingual education for elementary and junior high school students;
- More Hispanic faculty and administrators in school districts with high percentage of Hispanic students;
- Math, science, engineering, and computer vocational and college prep programs that will increase the number and percentage of Hispanics in the high technology fields;
- Targeted agricultural training programs for rural and migrant Hispanics who do not usually follow conventional school semester schedules;
- Increase the awareness among the Hispanic community about the various financial assistance programs available at colleges from federal and state scholarships, grants, work-study, and loans, and
- Develop network of Hispanics in corporations and non-profit organizations that can donate and contribute financial and public relations resources towards Hispanics education issues.

The information on housing conditions for Hispanics dealing with opportunities and standards is inadequately documented. The exclusive reliance on HUD statistics and documentation has undermined the accurate presentation of Hispanic urban and rural housing patterns to the point of misrepresentation. In fact, HUD's--"Hispanic Population of the United States: An Overview" has lost its credibility.

Independent studies by the National Hispanic Coalition, The Puerto Rico Coalition, The Housing Assistance Council and The Low Income Housing Coalition document a more accurate portrayal of Hispanic housing conditions.

In addition, two universities, National Hispanics University, and Arizona State have conducted independent studies and their findings are more accurate than those reflected in this study. I would advise that CRS locate these studies and include them in this report.

Thank you for the opportunity for me to comment on this study. If I may be of further assistance, please let me know.

Sincerely,

SOLOMON P. ORTIZ
Member of Congress

The Honorable Robert Garcia
Chairman
Hispanic Caucus
H-2 - 557
Washington, D. C. 20515

Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Bob:

April 18, 1983

I very much appreciated the opportunity to review a copy of the draft report, "The Hispanic Population of the U.S.: An Overview."

Generally speaking, the report is an important effort to bring together in one place some of the more important information about the Hispanic population. This needed to be done, and the document will serve as a benchmark for the substantial work that still needs to be done.

I found no surprises in the report, and it confirmed the conclusions that my own staff have reached in their research over the years. Importantly, though, this formalized research is an invaluable tool for policy making and additional research.

I would have liked to see more definitive efforts to trace changes in the status of Hispanics. As an example, it might have been possible to compare changes in employment and income, as related to education through the years. Utilizing comparative census tract data for the census years, 1960, 1970 and 1980, could yield important findings about educational advances and how these have affected employment and income. Likewise, it might be possible, again using tract data, to show changes in housing patterns and population dispersion within urban areas. Although tract comparisons might not support broad general conclusions, there is no reason to believe that important and valid information would not emerge from such studies. (In 1970, I compared Hispanic, black and Anglo tracts in San Antonio, and was able to reach clear ideas about education, employment, income, and discrimination, and trace changes by comparing the data of that year with earlier data.) Surely comparative data on typical tracts in San Antonio, Los Angeles, New York and Miami, would yield valuable information.

I would like also to see information on military service -- rates of participation, job classification and rank, for example. In this connection, a retrospective study on how the military draft worked, would be important. It was my experience that the draft exemption/deferment system worked to the great disadvantage of Hispanics during the Vietnam era. A retrospective, objective study today might enable us to prevent that from again occurring.

It seems to me that while an overview is useful, there is a need for more specific information. We know, for example, that housing conditions relate directly to economic status and discrimination -- but there is a need for data to show whether conditions are changing, and in what way, and whether programs addressed to housing needs have been effective.

I commend the authors for an excellent job. The data available for the study was limited, its quality inconsistent, and its interpretation difficult. The Overview is the best effort to date to produce a useful picture of the large and diverse Hispanic population. It will be useful to me, and to anyone who has an interest in, and concern with, the problems and prospects of Hispanics in the United States.

Sincerely,

Henry B. Gonzalez
Member of Congress

SUPPLEMENTAL VIEWS

OF REP. EDWARD R. ROYBAL

The importance of this Overview is that it provides a framework in which to evaluate both public and private response to Hispanic concerns and interests.

This Overview clearly shows that Hispanics are a significant cultural force in the United States: In California, Hispanics increased from 2.4 million in 1970 to 4.5 million in 1980. In Texas, our numbers rose from 1.8 million to 3.0 million. Large increases were seen in New York and Florida. Increasingly, that strength is being translated into effective political action, as evidenced by the recent successes in the 1982 Congressional elections, the Gubernatorial races in Texas and New Mexico and in the mayoral race in Chicago. Hispanics are becoming a significant economic force, estimated currently at $30 billion in consumer spending power. Increasing numbers of businesses are developing market appeals to the Hispanic consumer in home and food products, communications and financial services.

What is critical to building on this success is education. As indicated in the Overview, education directly affects employment and income levels. It is for this reason that Hispanic parents have for generations placed a premium on the education of their children. It is troubling to know that because of continuing social and employment barriers, Hispanic families face serious hardships in financing the higher education of their children. On the average, Hispanic families whose children plan to attend college earn $9,200 to $14,000 less than whites. Despite

these barriers to equal education, many Hispanics have succeeded in the sciences and professions, and have risen to positions of power.

Since 1977, the number of Hispanic doctoral scientists and engineers has more than doubled, now standing at approximately 5,000. We can increase these numbers dramatically by focusing national attention and support on equal education and economic opportunity. Otherwise, Hispanics will face a disheartening employment future, caught in the electronic sweatshops of an advanced information society.

It is clear from the numbers and findings of the Overview that legislators and executives at both State and Federal levels must renew their commitment to equal education for Hispanics -- to an education of better science, math and communications skills.

I believe we need a blue-ribbon Commission on Recovery, composed of leading Hispanics in science and technology, education, labor, business, and government. Its purpose would be to awaken this country to the human talent it has left unemployed -- and to embark on a strategy of national recovery. It would move to increase the number of Hispanics in the sciences, in mathematics, engineering and international affairs. Further, the Commission would work with the private sector and with elected officials on State and Federal initiatives in education and economic investment.

1980 Census of Population

Persons of Spanish Origin by State: 1980

SUPPLEMENTARY REPORT

PC80-S1-7

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Introduction

GENERAL

This report presents 1980 census population counts of the Spanish origin population[1] by type of Spanish origin (Mexican, Puerto Rican, Cuban, and Other Spanish) for the United States, regions, divisions, and States. Counts of the Spanish and non-Spanish populations by race are also provided. In addition, the results of an evaluation study of the reporting in the 1980 census item on Spanish/Hispanic origin or descent are presented in the section on "Preliminary Evaluation of Responses in the Mexican Origin Category of the Spanish Origin Item."

SPANISH ORIGIN POPULATION

In 1980, the Spanish origin population in the United States numbered 14,608,673, an increase of 61 percent over the 1970 figure of 9,072,602 (text table). This sharp increase for the Spanish origin population appears to have resulted in part from high fertility and the resultant large natural increase (i.e., the excess of births over deaths) and substantial immigration from Mexico, Cuba, and other Central and South American countries[2]. The large increase in the number of persons who identified themselves as of Spanish origin is also a result

Hispanics constituted a larger proportion of the population in 1980 (6.4 percent) than in 1970 (4.5 percent) (text table). Five southwestern States—Arizona, California, Colorado, New Mexico, and Texas—historically have had large Hispanic populations. These five States also contained the highest percentages of Hispanics in 1980. Hispanics comprised 37 percent of the population in New Mexico, 21 percent in Texas, and 19 percent in California. The proportions were 16 percent and 12 percent for Arizona and Colorado, respectively. In five States outside the southwestern area—New York, Florida, Hawaii, Nevada,

Table 1 shows the 1980 census totals for the population of Spanish origin and its subgroups (Mexican, Puerto Rican, etc.) for regions, divisions, and States. Percent distributions, based on the data in table 1, are shown in tables 2 and 3. The race reported by Spanish and non-Spanish persons in the census is presented in tables 4 and 5. In table 6, the 1980 and 1970 counts of the Hispanic population are shown for States with the largest Hispanic population in 1980; the States are ranked according to the size of this population in both 1980 and 1970. Comparable statistics are provided in tables 7, 8, and 9 for Mexican, Puerto Rican, and Cuban origin populations, respectively. The data in the tables in this report may differ from those published in the 1980 Census of Population and Housing, *Advance Reports*, PHC80-V, and *Supplementary Reports*, PC80-S1-1. These changes reflect corrections made after these reports were prepared.

[1] In this report, the terms "Spanish origin," "Spanish," and "Hispanic" are used interchangeably.

of general improvements in the 1980 census including better coverage of the population, improved question design, and an effective public relations campaign by national and community groups. These improvements may have contributed also to the inclusion of an unknown number of persons of Hispanic origin who are in the country in other than legal status.

In both 1980 and 1970, more than 60 percent of the Nation's Hispanics lived in California, Texas, and New York. In 1980, California ranked first with 4.5 million Hispanics, Texas ranked second with 3.0 million Hispanics, and New York ranked third with 1.7 million Hispanics. Florida and Illinois ranked fourth and fifth, respectively, each with over 600,000 Hispanic persons. These five States held the same rank position in 1970 (tables 1 and 6).

[2] Since the official date of the 1980 census was April 1, 1980, the Cubans who came to the United States in the period immediately following April 1 may not be included in the 1980 census count.

and New Jersey—the percentage of Hispanics was also high (above the national proportion of 6.4 percent). For each of these five States outside the southwestern area, the 1980 proportion of Hispanics was higher than the level reported in the 1970 census (table 2).

MEXICAN POPULATION

The Mexican origin population, which constituted the largest single group of Spanish persons in the United States, numbered 8,740,439 in 1980. The 1980 total represented a sharp increase of 93 percent, or 4.2 million persons, over the 1970 population count. Among the States, California ranked first in the number of Mexican origin persons (3.6 million) in 1980, followed by Texas (2.8 million). Illinois, with over 400,000 Mexican origin persons in 1980, ranked third in the number of Mexican origin persons, displacing Arizona which held that position in 1970 (tables 1 and 7).

Although the 1980 census indicated that the Mexican origin population was

Total Persons and Spanish Origin Persons by Type: 1980 and 1970

United States	1980	1970	Percent distribution 1980	Percent distribution 1970
Total persons	226,545,805	203,211,926	100.0	100.0
Persons of Spanish origin	14,608,673	9,072,602	6.4	4.5
Persons not of Spanish origin	211,937,132	194,139,324	93.6	95.5
Spanish origin	14,608,673	9,072,602	100.0	100.0
Mexican	8,740,439	4,532,435	59.8	50.0
Puerto Rican	2,013,945	1,429,396	13.8	15.8
Cuban	803,226	544,600	5.5	6.0
Other Spanish	3,051,063	2,566,171	20.9	28.3

still largely concentrated in the five southwestern States, the extent of this concentration had lessened somewhat since 1970. In 1980, 83 percent of Mexican origin persons in the United States were in the five southwestern States compared with 87 percent in 1970. Also, in 1980, six States outside of the southwest—Illinois, Michigan, Washington, Florida, Indiana, and Ohio—had more than 50,000 persons of Mexican origin; only two States outside the southwest had that number of

The next largest populations were in New Jersey with 244,000 Puerto Ricans and Illinois with about 129,000 Puerto Ricans. Sizeable Puerto Rican populations were also found in Florida, California, Pennsylvania, Connecticut, and Massachusetts, each with more than 75,000 persons (table 8).

Nationally, the Puerto Rican population increased by about 600,000 persons, or 41 percent, during the last decade (text table and table 8).

Considerable changes occurred in the an increase of about 260,000, or 48 percent, over the 1970 figure. Cubans became more concentrated in Florida during the last decade as the proportion of the Nation's Cubans living in Florida grew from 46 percent in 1970 to 59 percent in 1980. The Cubans in Florida numbered about 470,000 in 1980 (tables 1 and 9).

Sizeable Cuban populations were also found in other areas of the country. New Jersey included the second largest Cuban origin population (81,000 persons), replacing New York which had held that position in 1970. (The Cuban population in New York declined by 13,000 during the decade to a total of 77,000 in 1980.) A large Cuban population was also found in California (61,000). In 1980, as in 1970, Illinois ranked fifth and Texas ranked sixth in the size of the Cuban population. However, during the last decade, the Cuban origin population of Illinois declined slightly, while that in Texas doubled to 14,000 persons (table 9).

Although Cubans accounted for only 6 percent of the Spanish origin population in the Nation, they represented higher proportions of the Hispanic populations

Mexican persons in 1970. The six States noted above contained 9.1 percent of the Mexican origin population in 1980, compared with 7.4 percent in 1970 (table 7).

Mexican origin persons constituted 60 percent of the Hispanic population in the United States; however, the proportion Mexican of the Hispanic population in each State varied considerably, ranging from 2 percent in New York to 92 percent in Texas. Other States with high proportions (above 75 percent) of Mexican origin persons among Hispanics were Arizona, California, Nebraska, Kansas, and Idaho (text table and table 3).

The 1980 data on Mexican origin presented for certain States are affected by misreporting in the Mexican origin category of the Spanish origin item. For a full discussion, see the section on "Preliminary Evaluation of Responses in the Mexican Origin Category of the Spanish Origin Item."

PUERTO RICAN POPULATION

In 1980, the Puerto Rican population in the United States totalled 2,013,945, with almost 1 million living in New York. geographical distribution of Puerto Ricans between 1980 and 1970. The population has shifted from New York, which is still the major port of entry for Puerto Ricans, to other States primarily in the Northeast and North Central regions. For instance, in 1980, New York contained 49 percent of all Puerto Ricans in the United States, compared with 64 percent in 1970. In contrast, New Jersey contained 12 percent of the Nation's Puerto Ricans, up from 10 percent in 1970. Similar increases were noted for most of the States with 10,000 or more Puerto Ricans in 1980 (table 8).

Puerto Ricans were the dominant Spanish origin group in five States of the Northeast and one State in the South. The highest proportions of Puerto Ricans among Hispanics occurred in Connecticut (71 percent), Pennsylvania (60 percent), New York (59 percent), Massachusetts (54 percent), and Delaware and New Jersey (50 percent each) (table 3).

CUBAN POPULATION

The Cuban origin population in the United States totalled 803,226 in 1980, in several States—55 percent of all Spanish persons in Florida, 18 percent in New Jersey, 10 percent in Georgia, 8 percent in both Maryland and Louisiana, and 7 percent in Nevada (text table and table 3).

OTHER SPANISH POPULATION

The number of Spanish origin persons reported as "Other Spanish" in the 1980 census was 3,051,063, or 21 percent of the Spanish origin population (tables 1 and 3). The "Other Spanish" population includes persons from Spain, the Spanish-speaking countries of Central or South America, and Hispanic persons who identified themselves generally as Latino, Spanish-American, Spanish, etc.

Three-quarters of a million of the "Other Spanish" population lived in California, and over one-half million lived in New York. Other States with large "Other Spanish" populations included New Mexico and Florida, with over 200,000 persons, and Texas, New Jersey, and Colorado, each with over 100,000 persons (table 1).

SPANISH ORIGIN

Definition—The data on Spanish origin or descent were derived from answers to question 7, which was asked of all persons. (See facsimile of questionnaire item.)

Persons of Spanish origin or descent are those who classified themselves in one of the specific Spanish origin categories listed on the questionnaire—Mexican, Puerto Rican, or Cuban—as well as those who indicated that they were of other Spanish/Hispanic origin. Persons reporting "other Spanish/Hispanic" origin are those whose origins are from Spain, the Spanish-speaking countries of Central or South America, or they are Spanish origin persons identifying themselves generally as Spanish, Spanish American, Hispano, Latino, etc. Origin or descent can be viewed

Spanish origin totals because of a number of factors; namely, overall improvements in the 1980 census, better coverage of the population, improved question design, and an effective public relations campaign by the Census Bureau with the assistance of national and community ethnic groups. These efforts undoubtedly resulted in the inclusion of a sizeable but unknown number of persons of Hispanic origin who are in the country in other than legal status.

In the 1980 census Spanish origin question, specific changes in design included the placement of the category "No, not Spanish/Hispanic" as the first category in that question. (The corresponding category appeared last in the 1970 question.) Also, the 1970 category "Central or South American" was deleted

classify themselves in one of the specific race categories but marked "Other" and wrote in entries such as Cuban, Puerto Rican, Mexican, or Dominican were included in the "Other" race category; in the 1970 census, most of these persons were included in the "White" category.

The category "Black" includes persons who indicated their race as Black or Negro, as well as persons who did not classify themselves in one of the specific race categories listed on the questionnaire but reported entries such as Jamaican, Black Puerto Rican, West Indian, Haitian, or Nigerian.

The category "American Indian, Eskimo, and Aleut" includes persons who classified themselves as such in one of the specific race categories. In addition, persons who did not report themselves in

as the ancestry, nationality group, lineage, or country in which the person or person's parents or ancestors were born before their arrival in the United States. Persons of Spanish origin may be of any race.

Persons of more than one Spanish origin and persons of both a Spanish and another origin who were in doubt as to how to report a specific origin were classified according to the origin of the person's mother. If a single origin was not provided for the person's mother, the first reported origin of the person was used.

If any household member failed to respond to the Spanish/Hispanic origin question, a response was assigned by computer according to the reported entries of other household members by using specific rules of precedence of household relationship. If origin was not entered for any household member (excluding a paid employee), origin was assigned from another household according to the race of the householder.

Comparability with 1970 census data—The 1980 figures on Spanish origin are not directly comparable with 1970 because in 1970 some respondents misinterpreted the category; furthermore, the designations "Mexican-Amer." and "Chicano" were added to the Spanish origin question in 1980. In the 1970 census, the question on Spanish origin was asked of only a 5-percent sample of the population.

RACE

Definition—The concept of race as used by the Census Bureau reflects self-identification by respondents; it does not denote any clear-cut scientific definition of biological stock. Since the 1980 census obtained information on race through self-identification, the data represent self-classification by people according to the race with which they identify.

The category "White" includes persons who indicated their race as White, as well as persons who did not classify themselves in one of the specific race categories listed on the questionnaire but entered a response such as Canadian, German, Italian, Lebanese, or Polish. In the 1980 census, persons who did not one of the specific race categories but entered the name of an Indian tribe were classified as American Indian.

In this report, the category "Asian and Pacific Islander" includes persons who indicated their race as Japanese, Chinese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, or Samoan. Persons who did not report themselves in one of the specific race categories but reported a write-in entry indicating one of the nine categories listed above were classified accordingly. For example, entries of Nipponese and Japanese American were classified as Japanese; entries of Taiwanese and Cantonese as Chinese, etc.

The category "Other" includes Asian and Pacific Islander groups not listed separately (e.g., Cambodian, Laotian, Pakistani, Fiji Islander) and other races not included in the specific categories listed on the questionnaire.

Comparability with 1970 census data—Differences between 1980 and 1970 census counts by race seriously affect the comparability for some race groups. First, Spanish origin persons reported their race

differently in the 1980 census than in the 1970 census; this difference in reporting has a substantial impact on the counts and comparability for the "White" and "Other" race populations. A much larger proportion of the Spanish origin population in 1980 than in 1970 reported their race as "Other." Second, in 1970, most persons who marked the "Other" race category and wrote in a Spanish designation such as Mexican, Venezuelan, Latino, etc., were reclassified as "White." In 1980, such persons were not reclassified but remained in the "Other" race category.

As a result of this procedural change and the differences in reporting by this population, the proportion of the Spanish origin population classified as "Other" race in the 1980 census was substantially higher than that in the 1970 census. Nationally, in 1970, only 1 percent of Spanish origin persons were classified as "Other" race and 93 percent as "White." In 1980, a much larger proportion—40 percent—of Spanish origin persons reported their race as "Other" and only 56 percent reported "White." As a consequence of these differences, 1980 population totals for "White" and "Other" are not comparable with corresponding 1970 figures.

The 1980 count for the Asian and Pacific Islander population reflects a high level of immigration during the 1970's, more racial categories used in 1980 (Vietnamese, Asian Indian, Guamanian, and Samoan), and change in racial classifications of Asian Indians who were included in the White category in 1970.

OTHER 1980 CENSUS REPORTS

Provisional data for the Spanish origin population from the 100-percent census tabulations were published in individual State reports in *Advance Reports*, PHC80-V, for substate areas such as counties and cities. The 1980 Census of Population, *Supplementary Report*, PC80-S1-1, "Age, Sex, Race, and Spanish Origin of the Population by Regions, Divisions, and States: 1980," contained age and sex data for the Spanish origin population at the national level. Counts of the Spanish origin population for standard metropolitan statistical areas were shown in the 1980 Census of Population, *Supplementary Report*, PC80-S1-5, "Standard Metropolitan Statistical Areas and Standard Consolidated Statistical Areas: 1980." The data presented in this report may differ from those shown in the Advance Reports and Supplementary Reports noted above. The changes reflect corrections made after the reports were prepared.

Data on the Spanish origin groups cross-classified by age, sex, marital status, and household relationship for the United States, States, and substate areas are presented in *Characteristics of the Population, General Population Characteristics*, PC80-1-B, currently being published on a State-by-State basis. Data for census tracts and governmental units as well as limited data for blocks will appear in separate census report series.

Facsimile of questionnaire item 7.

7. Is this person of Spanish/Hispanic origin or descent? *Fill one circle.*	○ No (not Spanish/Hispanic) ○ Yes, Mexican, Mexican-Amer., Chicano ○ Yes, Puerto Rican ○ Yes, Cuban ○ Yes, other Spanish/Hispanic

Instructions to the respondent for questionnaire item 7.

> 7. A person is of Spanish/Hispanic origin or descent if the person *identifies* his or her ancestry with one of the listed groups, that is, Mexican, Puerto Rican, etc. Origin or descent (ancestry) may be viewed as the nationality group, the lineage, or country in which the person or the person's parents or ancestors were born.

SYMBOLS USED IN TABLES

A dash "-" represents zero or a percent which rounds to less than 0.1. Three dots "..." mean not applicable.

Table 1. Total Persons and Spanish Origin Persons by Type of Spanish Origin: 1980

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Total persons	Spanish origin					Not of Spanish origin
		Total	Mexican	Puerto Rican	Cuban	Other Spanish	
United States	226 543 805	14 608 673	8 740 439	2 013 945	803 226	3 051 063	211 937 132
REGIONS AND DIVISIONS							
Northeast	49 135 283	2 604 289	87 776	1 493 517	176 875	846 121	46 530 994
New England	12 348 493	299 145	16 520	171 786	13 473	97 366	12 049 348
Middle Atlantic	36 786 790	2 305 144	71 256	1 321 731	163 402	748 755	34 481 646
North Central	58 865 670	1 276 545	820 218	205 992	33 538	216 777	57 589 125
East North Central	41 682 217	1 067 944	672 518	197 198	29 382	168 846	40 614 273
West North Central	17 183 453	208 601	147 700	8 794	4 176	47 931	16 974 852
South	75 372 362	4 473 966	3 096 792	180 011	521 440	675 703	70 898 396
South Atlantic	36 939 123	1 194 172	199 748	140 330	493 030	361 044	35 744 951
East South Central	14 666 423	119 513	66 139	8 303	4 888	39 983	14 546 910
West South Central	23 746 816	3 160 281	2 830 905	31 178	23 522	274 676	20 586 535
West	43 172 490	6 253 873	4 735 653	134 425	71 333	1 312 462	36 918 617
Mountain	11 372 785	1 442 909	958 634	14 238	7 435	462 602	9 929 876
Pacific	31 799 705	4 810 964	3 777 019	130 187	63 898	849 860	26 988 741
STATES							
New England:							
Maine	1 124 660	3 003	1 339	714	296	2 346	1 119 655
New Hampshire	920 610	5 587	1 152	1 316	332	2 787	915 023
Vermont	511 456	3 304	627	324	147	2 206	508 152
Massachusetts	5 737 037	141 043	7 385	76 450	6 617	30 591	5 595 994
Rhode Island	947 154	19 707	1 342	4 631	561	13 183	927 447
Connecticut	3 107 576	124 499	4 475	88 361	3 610	26 053	2 983 077
Middle Atlantic:							
New York	17 558 072	1 639 300	38 753	986 389	76 942	537 214	15 898 772
New Jersey	7 364 823	491 883	13 146	243 540	80 860	154 337	6 872 940
Pennsylvania	11 863 895	153 961	19 355	91 802	5 600	37 204	11 709 934
East North Central:							
Ohio	10 797 630	119 883	33 318	32 442	3 233	30 890	10 677 747
Indiana	5 490 224	87 047	57 625	12 683	1 916	14 823	5 403 177
Illinois	11 426 518	635 602	408 325	129 165	19 063	79 049	10 790 916
Michigan	9 262 078	162 440	112 183	12 425	4 177	33 635	9 099 638
Wisconsin	4 705 767	62 972	41 067	10 483	993	10 429	4 642 795

West North Central:						
Minnesota	4 075 970	32 123	20 437	1 550	795	9 341	4 043 847
Iowa	2 913 808	25 536	18 161	709	486	6 180	2 888 272
Missouri	4 916 686	51 653	32 036	2 512	1 507	15 598	4 865 033
North Dakota	652 717	3 907	2 317	247	57	1 281	648 815
South Dakota	690 768	4 023	2 401	231	43	1 348	686 745
Nebraska	1 569 825	28 025	22 431	627	362	4 605	1 541 800
Kansas	2 363 679	63 339	49 917	2 918	926	9 578	2 300 340
South Atlantic:							
Delaware	594 338	9 661	1 537	6 801	596	2 727	584 677
Maryland	4 216 975	64 746	12 339	9 014	5 315	38 078	4 152 229
District of Columbia	638 333	17 679	3 132	1 430	975	12 142	620 654
Virginia	5 346 818	79 868	24 104	10 227	4 958	40 579	5 266 950
West Virginia	1 949 644	12 707	6 256	662	292	5 697	1 936 937
North Carolina	5 881 766	56 667	27 818	7 420	3 136	18 293	5 825 099
South Carolina	3 121 820	33 426	17 523	4 114	1 665	10 124	3 088 394
Georgia	5 463 105	61 260	27 667	7 887	5 863	19 863	5 401 845
Florida	9 746 324	858 158	79 392	94 775	470 250	213 741	8 888 166
East South Central:							
Kentucky	3 660 777	27 406	14 150	2 747	950	9 559	3 633 371
Tennessee	4 591 120	34 077	18 577	2 399	1 518	11 583	4 557 043
Alabama	3 893 888	33 299	18 869	2 299	1 546	10 585	3 860 589
Mississippi	2 520 638	24 731	14 563	1 058	874	8 256	2 495 907
West South Central:							
Arkansas	2 286 435	17 904	10 886	828	617	5 573	2 268 531
Louisiana	4 205 900	99 134	28 558	4 539	7 970	58 067	4 106 766
Oklahoma	3 025 290	57 419	38 974	2 873	811	14 761	2 967 871
Texas	14 229 191	2 985 824	2 752 487	22 938	14 124	196 275	11 243 367
Mountain:							
Montana	786 690	9 974	6 463	293	80	3 138	776 716
Idaho	943 935	36 615	28 143	407	111	7 954	907 320
Wyoming	469 557	24 499	15 940	287	88	8 184	445 058
Colorado	2 889 964	339 717	207 204	4 246	1 485	126 778	2 550 247
New Mexico	1 302 894	477 222	233 772	1 610	605	241 235	825 672
Arizona	2 718 215	440 701	396 410	4 048	1 071	39 172	2 277 514
Utah	1 461 037	60 302	38 021	1 494	283	20 504	1 400 735
Nevada	800 493	53 879	32 681	1 853	3 708	15 637	746 614
Pacific:							
Washington	4 132 156	120 016	81 112	5 065	1 258	32 581	4 012 160
Oregon	2 633 105	65 847	45 170	1 768	1 078	17 831	2 367 258
California	23 667 902	4 544 331	3 637 466	93 038	61 004	752 823	19 123 571
Alaska	401 851	9 507	4 615	965	166	3 761	392 344
Hawaii	964 691	71 263	8 656	19 351	392	42 864	893 428

Table 2. Percent Spanish Origin Persons by Type of Spanish Origin: 1980

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Total persons	Spanish origin					Not of Spanish origin
		Total	Mexican	Puerto Rican	Cuban	Other Spanish	
United States	100.0	6.4	3.9	0.9	0.4	1.3	93.6
REGIONS AND DIVISIONS							
Northeast	100.0	5.3	0.2	3.0	0.4	1.7	94.7
New England	100.0	2.4	0.1	1.4	0.1	0.8	97.6
Middle Atlantic	100.0	6.3	0.2	3.6	0.4	2.0	93.7
North Central	100.0	3.2	1.4	0.3	0.1	0.4	97.8
East North Central	100.0	2.6	1.6	0.5	0.1	0.4	97.4
West North Central	100.0	1.2	0.9	0.1	-	0.3	98.8
South	100.0	5.9	4.1	0.2	0.7	0.9	94.1
South Atlantic	100.0	3.2	0.5	0.4	1.3	1.0	96.8
East South Central	100.0	0.8	0.5	0.1	-	0.3	99.2
West South Central	100.0	13.3	11.9	0.1	0.1	1.2	86.7
West	100.0	14.5	11.0	0.3	0.2	3.0	85.5
Mountain	100.0	12.7	8.4	0.1	0.1	4.1	87.3
Pacific	100.0	15.1	11.9	0.4	0.2	2.7	84.9
STATES							
New England:							
Maine	100.0	0.4	0.1	0.1	-	0.2	99.6
New Hampshire	100.0	0.4	0.1	0.1	-	0.3	99.4
Vermont	100.0	0.6	0.1	0.1	-	0.4	99.4
Massachusetts	100.0	2.5	0.1	1.3	0.1	0.9	97.5
Rhode Island	100.0	2.1	0.1	0.5	0.1	1.4	97.9
Connecticut	100.0	4.0	0.1	2.8	0.2	0.8	96.0
Middle Atlantic:							
New York	100.0	9.5	0.2	5.6	0.4	3.2	90.5
New Jersey	100.0	6.7	0.2	3.3	1.1	2.1	93.3
Pennsylvania	100.0	1.3	0.2	0.8	-	0.3	98.7
East North Central:							
Ohio	100.0	1.1	0.5	0.3	-	0.3	98.9
Indiana	100.0	1.6	1.0	0.2	-	0.3	98.4
Illinois	100.0	5.6	3.6	1.1	0.2	0.7	94.4
Michigan	100.0	1.8	1.2	0.1	-	0.4	98.2
Wisconsin	100.0	1.3	0.9	0.2	-	0.2	98.7

West North Central:							
Minnesota	100.0	0.8	0.5	-	-	0.2	99.2
Iowa	100.0	0.9	0.6	-	-	0.2	99.1
Missouri	100.0	1.1	0.7	0.1	-	0.3	98.9
North Dakota	100.0	0.6	0.4	-	-	0.2	99.4
South Dakota	100.0	0.6	0.3	-	-	0.2	99.4
Nebraska	100.0	1.8	1.4	-	-	0.3	98.2
Kansas	100.0	2.7	2.1	0.1	-	0.4	97.3
South Atlantic:							
Delaware	100.0	1.6	0.3	0.8	0.1	0.5	98.4
Maryland	100.0	1.5	0.3	0.2	0.1	0.9	98.5
District of Columbia	100.0	2.8	0.5	0.2	0.2	1.9	97.2
Virginia	100.0	1.5	0.5	0.2	0.1	0.8	98.5
West Virginia	100.0	0.7	0.3	-	-	0.3	99.3
North Carolina	100.0	1.0	0.5	0.1	0.1	0.3	99.0
South Carolina	100.0	1.1	0.6	0.1	0.1	0.3	98.9
Georgia	100.0	1.1	0.5	0.1	0.1	0.4	98.9
Florida	100.0	8.8	0.8	1.0	4.8	2.2	91.2
East South Central:							
Kentucky	100.0	0.7	0.4	0.1	-	0.3	99.3
Tennessee	100.0	0.7	0.4	0.1	-	0.3	99.3
Alabama	100.0	0.9	0.[illegible]	0.1	-	0.3	99.1
Mississippi	100.0	1.0	0.6	-	-	0.3	99.0
West South Central:							
Arkansas	100.0	0.8	0.5	-	-	0.2	99.2
Louisiana	100.0	2.4	0.7	0.1	0.2	1.4	97.6
Oklahoma	100.0	1.9	1.3	0.1	-	0.5	98.1
Texas	100.0	21.0	19.3	0.2	0.1	1.4	79.0
Mountain:							
Montana	100.0	1.3	0.8	-	-	0.4	98.7
Idaho	100.0	3.9	3.0	-	-	0.8	96.1
Wyoming	100.0	5.2	3.4	0.1	-	1.7	94.8
Colorado	100.0	11.8	7.2	0.1	0.1	4.4	88.2
New Mexico	100.0	36.6	17.9	0.1	-	18.5	63.4
Arizona	100.0	16.2	14.6	0.1	-	1.4	83.8
Utah	100.0	4.1	2.6	0.1	-	1.4	95.9
Nevada	100.0	6.7	4.1	0.2	0.5	2.0	93.3
Pacific:							
Washington	100.0	2.9	2.0	0.1	-	0.8	97.1
Oregon	100.0	2.5	1.7	0.1	-	0.7	97.5
California	100.0	19.2	15.4	0.4	0.3	3.2	80.8
Alaska	100.0	2.4	1.1	0.2	-	0.9	97.6
Hawaii	100.0	7.4	0.9	2.0	-	4.4	92.6

Table 3. Percent Distribution of Spanish Origin Persons by Type of Spanish Origin: 1980

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Total	Mexican	Puerto Rican	Cuban	Other Spanish
United States	100.0	59.8	13.8	5.5	20.9
REGIONS AND DIVISIONS					
Northeast	100.0	3.4	57.3	6.8	32.5
New England	100.0	5.5	57.4	4.5	32.5
Middle Atlantic	100.0	3.1	57.3	7.1	32.5
North Central	100.0	64.3	16.1	2.6	17.0
East North Central	100.0	63.0	18.5	2.8	15.8
West North Central	100.0	70.8	4.2	2.0	23.0
South	100.0	69.2	4.0	11.7	15.1
South Atlantic	100.0	16.7	11.8	41.3	30.2
East South Central	100.0	55.3	7.1	4.1	33.5
West South Central	100.0	89.6	1.0	0.7	8.7
West	100.0	73.7	2.1	1.1	21.0
Mountain	100.0	66.4	1.0	0.5	32.1
Pacific	100.0	78.5	2.5	1.3	17.7
STATES					
New England:					
Maine	100.0	30.7	14.3	4.1	50.9
New Hampshire	100.0	20.6	23.6	3.9	49.9
Vermont	100.0	19.0	9.8	4.4	66.8
Massachusetts	100.0	5.2	54.2	4.7	35.9
Rhode Island	100.0	6.8	23.4	2.8	66.9
Connecticut	100.0	3.6	71.0	4.5	20.9
Middle Atlantic:					
New York	100.0	2.3	59.4	4.6	33.6
New Jersey	100.0	2.7	49.5	16.4	31.4
Pennsylvania	100.0	13.6	59.6	3.6	24.2
East North Central:					
Ohio	100.0	44.5	27.1	2.7	25.8
Indiana	100.0	66.2	14.6	2.2	17.0
Illinois	100.0	64.2	20.3	3.0	12.4
Michigan	100.0	69.1	7.6	2.6	20.7
Wisconsin	100.0	65.3	16.6	1.6	16.6

West North Central:					
Minnesota	100.0	63.6	4.8	2.5	29.1
Iowa	100.0	71.1	2.8	1.9	24.2
Missouri	100.0	62.0	4.9	2.9	30.2
North Dakota	100.0	59.4	6.3	1.5	32.8
South Dakota	100.0	59.7	5.7	1.1	33.5
Nebraska	100.0	80.0	2.2	1.3	16.4
Kansas	100.0	78.8	4.6	1.5	15.1
South Atlantic:					
Delaware	100.0	15.9	49.7	6.2	28.2
Maryland	100.0	19.1	13.9	8.2	58.8
District of Columbia	100.0	17.7	8.1	5.5	68.7
Virginia	100.0	30.2	12.8	6.2	50.8
West Virginia	100.0	49.2	5.2	2.3	43.3
North Carolina	100.0	49.1	13.1	5.5	32.3
South Carolina	100.0	52.4	12.3	5.0	30.3
Georgia	100.0	45.1	12.9	9.6	32.4
Florida	100.0	9.3	11.0	54.8	24.9
East South Central:					
Kentucky	100.0	51.6	10.0	3.5	34.9
Tennessee	100.0	54.5	7.0	4.5	34.0
Alabama	100.0	56.7	6.9	4.6	31.8
Mississippi	100.0	58.8	4.3	3.5	33.4
West South Central:					
Arkansas	100.0	60.8	4.6	3.4	31.1
Louisiana	100.0	28.8	4.6	8.0	58.6
Oklahoma	100.0	67.9	5.0	1.4	25.7
Texas	100.0	92.2	0.8	0.5	6.6
Mountain:					
Montana	100.0	64.8	2.9	0.8	31.5
Idaho	100.0	76.9	1.1	0.3	21.7
Wyoming	100.0	65.1	1.2	0.4	33.4
Colorado	100.0	61.0	1.2	0.4	37.3
New Mexico	100.0	49.0	0.3	0.1	50.5
Arizona	100.0	89.9	0.9	0.2	8.9
Utah	100.0	63.1	2.5	0.5	34.0
Nevada	100.0	60.7	3.4	6.9	29.0
Pacific:					
Washington	100.0	67.6	4.2	1.0	27.1
Oregon	100.0	68.6	2.7	1.6	27.1
California	100.0	80.0	2.0	1.3	16.6
Alaska	100.0	48.5	10.2	1.7	39.6
Hawaii	100.0	12.1	27.2	0.6	60.1

Table 4. Total Persons and Spanish Origin Persons by Race: 1980

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Total persons	Spanish origin					
		Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other
United States	226 545 805	14 608 673	8 115 236	390 852	94 745	166 610	5 841 810
REGIONS AND DIVISIONS							
Northeast	49 135 283	2 604 289	1 330 702	143 078	6 890	14 108	1 109 511
New England	12 348 491	299 145	156 146	13 221	1 089	1 985	126 704
Middle Atlantic	36 786 790	2 305 144	1 174 556	129 857	5 801	12 123	982 807
North Central	58 865 670	1 276 565	684 685	40 619	10 417	13 136	527 808
East North Central	41 682 217	1 067 964	566 631	34 011	6 300	9 984	451 218
West North Central	17 183 453	208 601	118 254	6 608	4 117	3 152	76 670
South	75 372 362	4 473 966	2 931 973	163 456	16 360	23 482	1 338 695
South Atlantic	36 959 123	1 194 172	906 722	93 023	4 770	14 187	177 460
East South Central	14 666 423	119 513	71 113	32 706	821	1 960	12 913
West South Central	23 746 816	3 160 281	1 956 138	37 727	10 769	7 325	1 148 322
West	43 172 490	6 253 873	3 167 896	43 899	61 078	115 284	2 865 716
Mountain	11 372 785	1 442 909	788 973	5 401	17 585	5 355	625 595
Pacific	31 799 705	4 810 964	2 378 923	38 498	43 493	109 929	2 240 121
STATES							
New England:							
Maine	1 124 660	5 005	3 990	68	64	199	684
New Hampshire	920 610	5 587	4 595	131	69	83	729
Vermont	511 456	3 304	2 865	35	26	39	339
Massachusetts	5 737 037	141 043	68 685	7 664	562	815	63 317
Rhode Island	947 154	19 707	12 009	874	125	244	6 455
Connecticut	3 107 576	124 499	64 002	4 449	263	605	55 180
Middle Atlantic:							
New York	17 558 072	1 659 300	796 134	102 879	4 229	7 670	748 388
New Jersey	7 364 823	491 883	301 929	17 512	925	2 943	168 574
Pennsylvania	11 863 895	153 961	76 693	9 466	647	1 710	65 645
East North Central:							
Ohio	10 797 630	119 883	69 944	7 754	783	1 673	39 930
Indiana	5 490 224	87 047	50 791	2 957	456	875	31 968
Illinois	11 426 518	635 602	321 621	13 489	2 213	5 122	293 157
Michigan	9 262 078	162 460	86 716	8 361	1 928	1 996	63 459
Wisconsin	4 705 767	62 972	37 359	1 670	920	519	22 704
West North Central:							
Minnesota	4 075 970	32 123	19 261	772	844	731	10 535
Iowa	2 913 808	25 536	15 883	607	334	353	8 559
Missouri	4 916 686	51 653	33 921	3 393	568	1 019	12 752
North Dakota	652 717	3 902	2 356	33	180	99	1 234
South Dakota	690 768	4 023	2 158	40	632	74	1 119
Nebraska	1 569 825	28 025	15 005	646	528	280	11 766
Kansas	2 363 679	63 339	29 690	1 317	1 031	596	30 705
South Atlantic:							
Delaware	594 338	9 661	4 686	1 006	94	190	3 683
Maryland	4 216 975	64 746	42 678	7 686	386	2 555	11 441
District of Columbia	638 333	17 679	7 526	3 752	118	408	5 877
Virginia	5 346 818	79 868	50 345	10 502	459	3 929	14 633
West Virginia	1 949 644	12 707	11 154	448	63	274	768
North Carolina	5 881 766	56 667	28 940	14 297	1 680	989	10 761
South Carolina	3 121 820	33 426	15 124	12 999	267	811	4 245
Georgia	5 463 105	61 260	33 051	17 064	357	1 053	9 755
Florida	9 746 324	858 158	711 218	25 209	1 366	3 980	116 297

See footnote at end of table.

United States Regions and divisions States	Not of Spanish origin					
	Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other
United States	211 937 132	180 236 366	26 106 173	1 325 635	3 334 429	916 509
REGIONS AND DIVISIONS						
Northeast	46 510 994	40 995 586	6 705 353	72 168	565 650	212 257
New England	12 069 368	11 629 487	461 328	20 508	79 020	59 005
Middle Atlantic	34 481 646	29 366 099	6 244 025	51 660	486 630	153 252
North Central	57 589 125	51 510 114	5 296 676	237 976	376 854	167 505
East North Central	40 614 273	35 584 024	4 514 535	99 607	293 000	123 107
West North Central	16 974 852	15 926 090	782 141	138 369	83 854	44 398
South	70 898 396	56 028 373	13 884 331	355 870	446 340	183 482
South Atlantic	35 764 951	27 754 629	7 558 946	113 956	246 439	90 981
East South Central	14 564 910	11 631 156	2 836 254	21 636	39 119	18 725
West South Central	20 586 535	16 642 588	3 489 131	220 258	160 782	73 776
West	36 918 617	31 722 293	2 217 813	659 661	1 965 585	353 265
Mountain	9 929 876	9 172 065	263 389	346 796	93 078	56 568
Pacific	26 988 741	22 550 268	1 954 424	312 865	1 872 507	298 697
STATES						
New England:						
Maine	1 119 655	1 105 860	3 060	4 023	2 768	3 966
New Hampshire	915 023	905 504	3 859	1 303	2 846	1 511
Vermont	508 152	503 871	1 100	958	1 316	907
Massachusetts	5 595 994	5 294 151	213 615	7 181	48 686	32 361
Rhode Island	927 467	884 683	26 710	2 773	5 059	8 222
Connecticut	2 983 077	2 735 418	212 984	4 270	18 365	12 060
Middle Atlantic:						
New York	15 098 772	13 164 734	2 299 127	35 353	303 056	96 502
New Jersey	6 872 940	5 825 538	907 554	7 469	100 905	31 474
Pennsylvania	11 709 934	10 375 827	1 037 344	8 818	62 669	25 276
East North Central:						
Ohio	10 677 747	9 527 514	1 068 994	11 456	46 348	23 435
Indiana	5 403 177	4 953 603	411 828	7 380	19 682	10 684
Illinois	10 790 916	8 911 706	1 661 909	16 070	156 531	48 700
Michigan	9 099 638	7 785 525	1 190 682	38 122	56 794	30 515
Wisconsin	4 642 795	4 405 676	181 122	28 579	17 645	9 772
West North Central:						
Minnesota	4 043 847	3 916 529	52 572	34 172	25 805	14 769
Iowa	2 888 272	2 823 342	41 293	5 121	11 224	7 292
Missouri	4 865 033	4 311 600	510 883	11 753	22 077	8 720
North Dakota	648 815	623 201	2 535	19 978	1 880	1 221
South Dakota	686 745	637 511	2 104	44 336	1 664	1 130
Nebraska	1 541 800	1 475 376	47 944	8 667	6 722	3 091
Kansas	2 300 360	2 138 531	124 810	14 342	14 482	8 175
South Atlantic:						
Delaware	584 677	483 129	94 839	1 234	3 922	1 553
Maryland	4 152 229	3 116 160	950 464	7 635	61 723	16 247
District of Columbia	620 654	166 744	445 154	913	6 228	4 115
Virginia	5 266 950	4 179 453	998 166	8 995	62 280	18 056
West Virginia	1 936 937	1 863 597	66 603	1 547	4 920	2 270
North Carolina	5 825 099	4 428 567	1 304 560	62 972	20 187	8 813
South Carolina	3 088 94	2 132 100	935 624	5 510	11 023	4 137
Georgia	5 401 845	3 914 084	1 448 137	7 259	23 604	8 961
Florida	8 888 166	7 473 295	1 317 399	17 891	52 752	26 829

See footnote at end of table.

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Table 4. Total Persons and Spanish Origin Persons by Race: 1980—Con.

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Total persons	Spanish origin					
		Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other
STATES--Con.							
East South Central:							
Kentucky	3 660 777	27 406	20 511	2 158	194	571	3 972
Tennessee	4 591 120	34 077	22 503	7 071	249	594	3 660
Alabama	3 893 888	33 249	17 063	12 639	317	396	2 984
Mississippi	2 520 638	24 731	11 036	10 838	161	399	2 297
West South Central:							
Arkansas	2 286 435	17 904	10 416	3 770	292	367	3 181
Louisiana	4 205 900	99 134	70 775	14 689	983	934	11 753
Oklahoma	3 025 290	57 419	36 805	1 635	3 418	682	24 879
Texas	14 229 191	2 985 824	1 846 [illegible]	17 633	6 076	5 462	1 108 509
Mountain:							
Montana	786 690	9 974	5 738	73	787	153	3 223
Idaho	943 935	36 615	15 436	50	669	261	20 201
Wyoming	469 557	24 699	14 553	80	380	112	9 374
Colorado	2 889 964	339 717	181 019	1 819	2 839	1 463	152 577
New Mexico	1 302 894	477 232	291 631	866	3 462	558	180 705
Arizona	2 718 215	440 701	214 499	1 732	7 637	1 398	215 674
Utah	1 461 037	60 302	32 080	365	995	456	26 518
Nevada	800 493	53 879	33 991	536	1 016	1 013	17 323
Pacific:							
Washington	4 132 156	120 016	53 292	1 575	2 710	5 313	57 126
Oregon	2 633 105	65 847	36 598	538	1 600	1 364	27 847
California	23 667 902	4 544 331	2 266 901	35 671	38 132	67 986	2 135 841
Alaska	401 851	9 507	5 093	222	630	634	2 928
Hawaii	964 691	71 263	19 039	692	421	34 732	16 379

United States Regions and Divisions States	Not of Spanish origin					
	Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other
STATES--Con.						
East South Central:						
Kentucky	3 633 371	3 350 695	257 310	3 416	9 399	4 742
Tennessee	4 557 063	3 812 949	718 871	4 855	13 349	6 999
Alabama	3 860 509	2 855 558	983 696	7 346	9 338	4 631
Mississippi	2 495 907	1 886 156	876 368	6 019	7 013	2 353
West South Central:						
Arkansas	2 368 531	1 879 908	369 998	9 136	6 493	2 996
Louisiana	4 106 766	2 841 397	1 223 352	11 082	22 845	7 890
Oklahoma	2 967 071	2 570 906	203 039	166 061	16 993	11 212
Texas	11 263 367	9 350 297	1 692 342	33 999	114 031	51 678
Mountain:						
Montana	776 716	736 410	1 713	36 483	2 350	1 760
Idaho	907 320	886 187	2 666	9 852	5 707	2 908
Wyoming	465 050	451 935	3 284	6 714	1 857	1 260
Colorado	2 550 267	2 390 429	99 084	15 329	38 453	16 202
New Mexico	825 672	685 936	23 136	102 657	6 267	7 638
Arizona	2 277 314	2 026 262	73 245	145 308	28 673	12 026
Utah	1 400 735	1 358 462	8 900	18 361	14 630	8 412
Nevada	746 614	666 356	38 463	12 292	13 151	4 354
Pacific:						
Washington	4 012 140	3 725 870	103 999	58 096	97 226	26 945
Oregon	2 567 250	2 456 012	36 522	25 716	33 511	15 499
California	19 123 571	15 763 992	1 783 610	163 237	1 185 032	226 700
Alaska	392 364	306 635	13 621	63 473	7 620	3 395
Hawaii	893 420	299 731	16 672	2 367	568 580	26 150

Table 5. Percent Distribution of Persons of Spanish Origin by Race: 1980

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States Regions and Divisions States	Spanish origin						Not of Spanish origin					
	Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other	Total	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander[1]	Other
United States	100.0	55.6	2.7	0.6	1.1	40.0	100.0	83.1	12.3	0.6	1.6	0.4
REGIONS AND DIVISIONS												
Northeast	100.0	51.1	5.5	0.3	0.5	42.6	100.0	88.1	10.1	0.2	1.2	0.5
New England	100.0	52.2	4.4	0.4	0.7	42.4	100.0	94.9	3.8	0.2	0.7	0.5
Middle Atlantic	100.0	51.0	5.6	0.3	0.5	42.6	100.0	85.7	12.3	0.1	1.4	0.4
North Central	100.0	53.6	3.2	0.8	1.0	41.4	100.0	89.4	9.2	0.4	0.7	0.3
East North Central	100.0	53.0	3.2	0.6	0.9	42.3	100.0	87.6	11.1	0.2	0.7	0.3
West North Central	100.0	56.7	3.1	2.0	1.5	36.8	100.0	93.8	4.6	0.8	0.5	0.3
South	100.0	65.5	3.7	0.4	0.5	29.9	100.0	79.0	19.6	0.5	0.6	0.3
South Atlantic	100.0	75.8	7.8	0.4	1.2	14.9	100.0	77.6	21.1	0.3	0.7	0.3
East South Central	100.0	59.5	37.4	0.7	1.6	10.8	100.0	80.0	19.5	0.1	0.3	0.1
West South Central	100.0	61.9	1.2	0.3	0.2	36.3	100.0	80.8	16.9	1.1	0.8	0.4
West	100.0	50.7	0.7	1.0	1.8	45.8	100.0	85.9	6.0	1.8	5.3	1.0
Mountain	100.0	54.7	0.4	1.2	0.4	43.4	100.0	92.4	2.7	3.5	0.9	0.5
Pacific	100.0	49.4	0.8	0.9	2.3	46.6	100.0	83.6	7.2	1.2	6.9	1.1
STATES												
New England:												
Maine	100.0	79.7	1.4	1.3	4.0	13.7	100.0	98.8	0.3	0.4	0.2	0.4
New Hampshire	100.0	82.2	2.3	0.9	1.5	13.0	100.0	99.0	0.4	0.1	0.3	0.2
Vermont	100.0	86.7	1.1	0.8	1.2	10.3	100.0	99.2	0.2	0.2	0.3	0.2
Massachusetts	100.0	48.7	5.4	0.4	0.6	44.9	100.0	94.6	3.8	0.1	0.9	0.6
Rhode Island	100.0	60.9	4.4	0.6	1.2	32.8	100.0	95.4	2.9	0.3	0.5	0.9
Connecticut	100.0	51.4	3.6	0.2	0.5	44.3	100.0	91.7	7.1	0.1	0.6	0.4
Middle Atlantic:												
New York	100.0	48.0	6.2	0.3	0.5	45.1	100.0	82.8	14.5	0.2	1.9	0.6
New Jersey	100.0	61.4	3.6	0.2	0.6	34.3	100.0	84.8	13.2	0.1	1.5	0.5
Pennsylvania	100.0	49.7	6.1	0.4	1.1	42.6	100.0	90.3	8.9	0.1	0.5	0.2
East North Central:												
Ohio	100.0	58.3	6.5	0.7	1.2	33.3	100.0	89.2	10.0	0.1	0.4	0.2
Indiana	100.0	58.3	3.4	0.5	1.0	36.7	100.0	91.7	7.6	0.1	0.4	0.2
Illinois	100.0	50.6	2.1	0.3	0.8	46.1	100.0	82.6	15.4	0.1	1.4	0.5
Michigan	100.0	53.4	5.1	1.2	1.2	39.1	100.0	85.6	13.1	0.4	0.6	0.3
Wisconsin	100.0	59.3	2.3	1.5	0.8	36.1	100.0	94.9	3.9	0.6	0.4	0.2

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West North Central:												
Minnesota	100.0	59.9	2.4	2.6	2.3	32.8	100.0	96.9	1.3	0.8	0.6	0.4
Iowa	100.0	62.2	1.6	1.3	1.4	33.5	100.0	97.8	1.4	0.2	0.4	0.3
Missouri	100.0	65.7	6.6	1.1	2.0	24.7	100.0	88.6	10.5	0.2	0.5	0.2
North Dakota	100.0	60.4	0.8	4.6	2.5	31.6	100.0	96.1	0.4	3.1	0.3	0.2
South Dakota	100.0	53.6	1.0	15.7	1.8	27.8	100.0	92.8	0.3	6.5	0.2	0.2
Nebraska	100.0	53.5	1.6	1.9	1.0	42.0	100.0	95.7	3.1	0.6	0.4	0.2
Kansas	100.0	46.9	2.1	1.6	0.9	48.5	100.0	93.0	5.4	0.6	0.6	0.4
South Atlantic:												
Delaware	100.0	48.5	10.4	1.0	2.0	38.1	100.0	82.6	16.2	0.2	0.7	0.3
Maryland	100.0	65.9	11.9	0.6	3.9	17.7	100.0	75.0	22.9	0.2	1.5	0.4
District of Columbia	100.0	42.6	21.2	0.7	2.3	33.2	100.0	26.5	71.7	0.1	1.0	0.7
Virginia	100.0	63.0	13.1	0.6	4.9	18.3	100.0	79.4	19.0	0.2	1.3	0.3
West Virginia	100.0	87.8	3.5	0.5	2.2	6.0	100.0	96.2	3.3	0.1	0.3	0.1
North Carolina	100.0	51.1	25.3	3.0	1.7	19.0	100.0	76.0	22.4	1.1	0.3	0.2
South Carolina	100.0	45.2	38.9	0.7	2.4	12.7	100.0	69.0	30.3	0.2	0.4	0.1
Georgia	100.0	54.0	27.8	0.6	1.7	15.9	100.0	72.5	26.8	0.1	0.4	0.2
Florida	100.0	82.9	2.9	0.2	0.5	13.6	100.0	84.1	14.8	0.2	0.6	0.3
East South Central:												
Kentucky	100.0	74.8	7.9	0.7	2.1	14.5	100.0	92.4	7.1	0.1	0.3	0.1
Tennessee	100.0	66.0	20.8	0.7	1.7	10.7	100.0	83.7	15.8	0.1	0.3	0.2
Alabama	100.0	51.2	38.0	0.7	1.2	9.0	100.0	74.0	25.5	0.2	0.2	0.1
Mississippi	100.0	44.6	43.8	0.7	1.6	9.3	100.0	64.3	35.1	0.2	0.3	0.1
West South Central:												
Arkansas	100.0	58.2	21.1	1.6	1.4	17.8	100.0	83.9	16.[illegible]	0.4	0.3	0.1
Louisiana	100.0	71.4	14.8	1.0	0.9	11.9	100.0	69.2	29.[illegible]	0.3	0.6	0.2
Oklahoma	100.0	46.7	2.8	6.0	1.2	43.3	100.0	86.6	6.8	3.6	0.6	0.4
Texas	100.0	61.9	0.6	0.2	0.2	37.1	100.0	83.2	15.1	0.3	1.0	0.5
Mountain:												
Montana	100.0	57.5	0.7	7.9	1.5	32.3	100.0	94.6	0.2	4.7	0.3	0.2
Idaho	100.0	42.2	0.1	1.8	0.7	55.2	100.0	97.7	0.3	1.1	0.6	0.3
Wyoming	100.0	59.4	0.3	1.6	0.5	38.3	100.0	97.1	0.7	1.5	0.4	0.3
Colorado	100.0	53.3	0.5	0.8	0.4	44.9	100.0	93.7	3.9	0.6	1.1	0.6
New Mexico	100.0	61.1	0.2	0.7	0.1	37.9	100.0	85.1	1.8	12.4	0.8	0.9
Arizona	100.0	48.7	0.4	1.7	0.3	48.9	100.0	89.0	3.2	4.4	0.9	0.5
Utah	100.0	53.2	0.4	1.7	0.8	44.0	100.0	96.4	0.6	1.3	1.0	0.6
Nevada	100.0	63.1	1.0	1.9	1.9	32.2	100.0	89.3	6.8	1.6	1.8	0.6
Pacific:												
Washington	100.0	44.4	1.3	2.3	4.4	47.6	100.0	92.9	2.6	1.4	2.4	0.7
Oregon	100.0	52.5	0.8	2.4	1.9	42.3	100.0	95.7	1.4	1.0	1.3	0.6
California	100.0	49.9	0.8	0.8	1.5	47.0	100.0	82.4	9.3	0.9	6.2	1.2
Alaska	100.0	53.6	2.3	6.6	6.7	30.8	100.0	77.6	3.4	16.2	1.9	0.9
Hawaii	100.0	26.7	1.0	0.6	48.7	23.0	100.0	33.5	1.9	0.3	61.4	2.9

[1]Includes the Asian and Pacific Islander groups listed separately in the race item on the 1980 census questionnaire; excludes "Other Asian and Pacific Islander" groups, (e.g., Cambodian, Laotian, Pakistani, Fiji Islander) identified in sample tabulations.

Table 6. Spanish Origin Persons in Selected States by Rank: 1980 and 1970

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States States With 100,000 or More Persons of Spanish Origin in 1980	1980			1970		
	Rank	Number	Percent distribution	Rank	Number	Percent distribution
United States	...	14 608 673	100.0	...	9 072 602	100.0
Selected States	...	13 254 580	90.7	...	8 026 186	88.5
California	1	4 544 331	31.1	1	2 369 292	26.1
Texas	2	2 985 824	20.4	2	1 840 648	20.3
New York	3	1 659 300	11.4	3	1 351 982	14.9
Florida	4	858 158	5.9	4	405 036	4.5
Illinois	5	635 602	4.4	5	393 204	4.3
New Jersey	6	491 883	3.4	7	288 488	3.2
New Mexico	7	477 222	3.3	6	308 340	3.4
Arizona	8	440 701	3.0	8	264 770	2.9
Colorado	9	339 717	2.3	9	225 506	2.5
Michigan	10	162 440	1.1	10	151 070	1.7
Pennsylvania	11	153 961	1.1	13	108 893	1.2
Massachusetts	12	141 043	1.0	15	66 146	0.7
Connecticut	13	124 499	0.9	16	65 458	0.7
Washington	14	120 016	0.8	19	57 338	0.6
Ohio	15	119 883	0.8	11	129 995	1.4

Table 7. Mexican Origin Persons in Selected States by Rank: 1980 and 1970

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States States With 50,000 or More Persons of Mexican Origin in 1980	1980			1970		
	Rank	Number	Percent distribution	Rank	Number	Percent distribution
United States	...	8 740 439	100.0	...	4 532 435	100.0
Selected States	...	8 019 294	91.7	...	4 275 704	94.3
California	1	3 637 466	41.6	1	1 857 267	41.0
Texas	2	2 752 487	31.5	2	1 619 064	35.7
Illinois	3	408 325	4.7	4	160 419	3.5
Arizona	4	396 410	4.5	3	239 811	5.3
New Mexico	5	233 772	2.7	5	119 049	2.6
Colorado	6	207 204	2.4	6	103 584	2.3
Michigan	7	112 183	1.3	7	65 329	1.4
Washington	8	81 112	0.9	8	33 483	0.7
Florida	9	79 392	0.9	13	20 869	0.5
Indiana	10	57 625	0.7	9	30 034	0.7
Ohio	11	53 318	0.6	11	26 795	0.6

Table 8. Puerto Rican Origin Persons in Selected States by Rank: 1980 and 1970

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States States With 10,000 or More Persons of Puerto Rican Origin in 1980	1980			1970		
	Rank	Number	Percent distribution	Rank	Number	Percent distribution
United States	...	2 013 945	100.0	...	1 429 396	100.0
Selected States	...	1 924 069	95.5	...	1 389 980	97.2
New York	1	986 389	49.0	1	916 608	64.1
New Jersey	2	243 540	12.1	2	138 896	9.7
Illinois	3	129 165	6.4	3	87 477	6.1
Florida	4	94 775	4.7	7	28 166	2.0
California	5	93 038	4.6	4	50 929	3.6
Pennsylvania	6	91 802	4.6	5	44 263	3.1
Connecticut	7	88 361	4.4	6	37 603	2.6
Massachusetts	8	76 450	3.8	8	23 332	1.6
Ohio	9	32 442	1.6	9	20 272	1.4
Texas	10	22 938	1.1	13	6 333	0.4
Hawaii	11	19 351	1.0	10	9 284	0.6
Indiana	12	12 683	0.6	11	9 269	0.6
Michigan	13	12 425	0.6	15	6 202	0.4
Wisconsin	14	10 483	0.5	12	7 348	0.5
Virginia	15	10 227	0.5	16	4 098	0.3

Table 9. Cuban Origin Persons in Selected States by Rank: 1980 and 1970

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations)

United States States With 10,000 or More Persons of Cuban Origin in 1980	1980			1970		
	Rank	Number	Percent distribution	Rank	Number	Percent distribution
United States	...	803 226	100.0	...	544 600	100.0
Selected States	...	722 243	89.9	...	483 369	88.8
Florida	1	470 250	58.5	1	250 406	46.0
New Jersey	2	80 860	10.1	3	68 048	12.5
New York	3	76 942	9.6	2	89 396	16.5
California	4	61 004	7.6	4	47 560	8.7
Illinois	5	19 063	2.4	5	20 796	3.8
Texas	6	14 124	1.8	6	6 963	1.3

Preliminary Evaluation of Responses in the Mexican Origin Category of the Spanish Origin Item

INTRODUCTION

The evaluation of census data is an integral part of the 1980 census program. This section describes an evaluation study conducted by the Census Bureau to determine whether there was substantial misreporting in the Mexican-American category of the 1980 census Spanish origin question for certain subnational areas. Misreporting of Mexican origin was suspected because (a) preliminary analysis showed some unreasonable distributions for the Mexican origin population in selected areas of the Nation, (b) comparisons of Spanish origin data from the 1980 census with independent administrative data showed possible misreporting, and (c) examination of responses to the Spanish origin question on a small sample of census questionnaires revealed some misunderstanding of the Mexican origin category. Furthermore, the reporting problem appeared similar to that noted

Table E-1. **Mexican Origin Persons by Race for Regions, Divisions, and States: 1980**

(For definition of terms, see Definitions and Explanations)

Area	Total	Percent distribution			
		Total	White	Black	Other[1]
UNITED STATES	8,740,439	100.0	53.2	1.8	45.0
REGIONS AND DIVISIONS					
Northeast	87,776	100.0	62.9	15.7	21.4
New England	16,520	100.0	71.9	8.1	19.9
Middle Atlantic	71,256	100.0	60.8	17.5	21.8

Area	Total	Percent distribution			
		Total	White	Black	Other[1]
STATES-Con.					
West North Central-Con.					
North Dakota	2,317	100.0	56.5	0.5	43.0
South Dakota	2,401	100.0	48.1	0.4	51.4
Nebraska	22,431	100.0	50.2	0.9	48.9
Kansas	49,917	100.0	44.3	1.4	54.3

North Central	820,218	100.0	51.6	2.7	45.7
East North Central	672,518	100.0	51.5	2.8	45.8
West North Central	147,700	100.0	52.2	2.5	45.3
South	3,096,792	100.0	60.7	3.3	36.0
South Atlantic	199,748	100.0	48.5	26.9	24.6
East South Central	66,139	100.0	53.4	37.4	9.2
West South Central	2,830,905	100.0	61.7	0.9	37.5
West	4,735,633	100.0	48.4	0.5	51.2
Mountain	958,634	100.0	52.3	0.3	47.4
Pacific	3,777,019	100.0	47.4	0.5	52.1
STATES					
New England:					
Maine	1,539	100.0	81.9	0.6	17.5
New Hampshire	1,152	100.0	81.4	1.0	17.6
Vermont	627	100.0	86.9	0.2	12.9
Massachusetts	7,385	100.0	70.1	7.3	22.6
Rhode Island	1,342	100.0	74.8	7.2	18.0
Connecticut	4,475	100.0	66.2	15.4	18.4
Middle Atlantic:					
New York	38,755	100.0	57.0	17.7	25.3
New Jersey	13,146	100.0	59.7	20.4	19.8
Pennsylvania	19,355	100.0	69.0	15.1	15.9
East North Central:					
Ohio	53,318	100.0	56.9	7.7	35.4
Indiana	57,625	100.0	56.7	2.9	40.4
Illinois	408,325	100.0	50.0	1.7	48.2
Michigan	112,183	100.0	49.2	4.3	46.4
Wisconsin	41,067	100.0	57.7	2.0	40.4
West North Central:					
Minnesota	20,437	100.0	55.5	1.4	43.1
Iowa	18,161	100.0	57.3	1.4	41.2
Missouri	32,036	100.0	60.9	6.9	32.2
South Atlantic:					
Delaware	1,537	100.0	53.7	24.7	21.6
Maryland	12,339	100.0	56.5	26.0	17.5
District of Columbia	3,132	100.0	31.4	42.7	26.0
Virginia	24,104	100.0	54.7	27.7	17.6
West Virginia	6,256	100.0	90.9	3.9	5.2
North Carolina	27,818	100.0	45.6	36.9	17.5
South Carolina	17,523	100.0	33.8	56.6	9.5
Georgia	27,647	100.0	39.2	46.6	14.2
Florida	79,392	100.0	50.1	11.1	38.8
East South Central:					
Kentucky	14,150	100.0	78.3	9.6	12.2
Tennessee	18,577	100.0	63.1	27.6	9.3
Alabama	18,869	100.0	41.3	51.4	7.3
Mississippi	14,543	100.0	32.6	58.7	8.7
West South Central:					
Arkansas	10,886	100.0	51.8	24.9	23.3
Louisiana	28,558	100.0	54.3	32.0	13.7
Oklahoma	38,974	100.0	42.2	2.3	55.5
Texas	2,752,487	100.0	62.1	0.4	37.5
Mountain:					
Montana	6,463	100.0	50.2	0.6	49.2
Idaho	28,143	100.0	34.6	0.1	65.3
Wyoming	15,940	100.0	57.2	0.2	42.5
Colorado	207,204	100.0	52.0	0.4	47.6
New Mexico	233,772	100.0	62.0	0.2	37.9
Arizona	396,410	100.0	47.6	0.3	52.1
Utah	38,021	100.0	50.0	0.3	49.7
Nevada	32,681	100.0	59.1	0.7	40.2
Pacific:					
Washington	81,112	100.0	38.0	0.7	61.2
Oregon	45,170	100.0	44.4	0.6	55.1
California	3,637,466	100.0	47.7	0.5	51.9
Alaska	4,615	100.0	54.2	1.1	44.7
Hawaii	8,656	100.0	38.5	1.0	60.5

[1] Includes American Indian, Eskimo, and Aleut; Asian and Pacific Islander; and other races.

in the 1980 census pretest program, in which the Bureau made efforts to eliminate the misreporting by revising the wording and format of the Spanish origin question.

The evaluation study described here is limited to only one facet of response error to the Spanish origin question, namely, overreporting in the Mexican origin category. Detailed analysis of the 1980 census data together with the Census Bureau's experience in collecting ethnic origin data indicates that other response errors exist. This study should not be interpreted as implying that overreporting in the Mexican origin category is the only response error in the Spanish origin data or that all response errors involve overreporting. Further evaluation of the reporting of Spanish origin will be based on data from the postcensal Content Reinterview Study and the sample data from the 1980 census.

It is important to note that the study results have not been used to alter the official census counts generated for the Spanish or Mexican origin population in the 1980 census.

ically, the response problem appeared to be greatest in the Southern States (excluding Texas), the Northeast (excluding the New York city area), and a few States of the North Central region; the data seemed reasonable, however, for the remainder of the country. Although the possible misreporting was found among persons of the White and Black race, the problem was not evident for persons of American Indian, Asian and Pacific Islander, or "other" race. Table E-1 shows the 1980 census racial distribution of the Mexican origin population.

The basic approach of the study was to screen 1980 census *long-form* questionnaires with a series of edit rules (i.e., consistency checks) to identify those White and Black persons possibly misreporting in the Mexican origin category. A telephone reinterview study was then conducted to validate whether these edit rules were effective in identifying overreporting.

into five strata according to the "suspected" level of misreporting. However, States were *not* grouped into strata for Black households because the level of misreporting of Black persons appeared to be fairly uniform throughout the study sample area. Table E-2 provides a list of the study States with 1980 census counts of White and Black persons reporting Mexican origin.

Application of Edit Rules

The edit rules were developed to identify the households with possible misreporting, and were designed to favor the acceptance of a Mexican origin response to avoid overstating the extent of misreporting. Households in the sample were classified into the following two categories:

"Acceptable" Mexican Origin Response—A response was acceptable if the respondent or any other member of the household had, in addition to the Mexican origin response in the Spanish origin question,

METHODOLOGY

The target population for the evaluation study was determined by the early analysis of 1980 census data. Specif-

Sample Design

Probability samples of long-form questionnaires for 5,400 White households and 600 Black households with at least one person in the household reporting Mexican origin were selected from 27 States and the District of Columbia. For the White household sample, States were grouped

Table E-2. **Mexican Origin Persons by White and Black Race for States In Study of Spanish Origin Reporting in the 1980 Census**

(For definition of terms, see Definitions and Explanations)

Area	White Mexicans	Black Mexicans	Area	White Mexicans	Black Mexicans
Study States.....	332,313	110,935	Group III States...	71,684	(1)
			Florida.....	39,750	8,831
Group I States.....	51,405	(1)	Louisiana.....	15,500	9,139
Delaware.....	825	380	Oklahoma.....	16,434	911
District of Columbia...	982	1,336			
Georgia.....	10,841	12,889	Group IV States....	118,244	(1)
Maryland.....	6,967	3,212	Indiana.....	32,683	1,683
North Carolina.....	12,678	10,266	Michigan.....	55,221	4,867
South Carolina.....	5,929	9,924	Ohio.....	30,340	4,088
Virginia.....	13,183	6,687			
			Group V States.....	44,328	(1)
			Connecticut.....	2,964	687
			Maine.....	1,260	9
Group II States....	46,652	(1)	Massachusetts.....	5,175	539
Alabama.....	7,788	9,696	New Hampshire.....	938	11
Arkansas.....	5,644	2,711	New Jersey.....	7,854	2,684
Kentucky.....	11,073	1,356	New York[2].....	11,236	2,120
Mississippi.....	4,747	8,531	Pennsylvania.....	13,352	2,927
Tennessee.....	11,715	5,130	Rhode Island.....	1,004	97
West Virginia.....	5,685	243	Vermont.....	545	1

[1]The Black population was not divided into State groups for this study.
[2]Excludes the New York city area.

given positive indications of Spanish ancestry in answers to at least one of the following census questions:

1. A Spanish origin response (other than Mexican origin) in the Spanish origin question;
2. A Spanish ancestry[1] (including Mexican) response or only a single response of "American Indian" in the ancestry question;
3. Report of a Spanish-speaking country, Puerto Rico, or one of five southwestern States in the place of birth question; or
4. Spanish as the language reported in the current language question.

"Rejected" Mexican Origin Response (i.e., possible misreporting)—A household was rejected if it had none of the "acceptable" indications cited above.

Validation of Edit Rules

To confirm the effectiveness of the edit rules in identifying individuals who misreported, a limited "probing-type" tele-

[1]The determination of Spanish ancestry in the ancestry question applied to all single responses and to the first two responses when more than two ancestries were reported. This is consistent with the processing procedures of ancestry responses in the 1980 census.

Table E-3. **Mexican Origin Persons and Rejected Mexican Origin Responses for White and Black Persons in Study of Spanish Origin Reporting in the 1980 Census**

(For meaning of symbols, see Introduction. For definition of terms, see Definitions and Explanations. Individual items may not add to totals due to independent rounding)

Area and race	Mexican origin persons, 1980 census (1,000)	Study results[1]		
		Percent of Mexican origin responses rejected	Confidence interval of percent rejected[2]	Estimated number of Mexican origin responses rejected (1,000)
UNITED STATES				
Total Mexican origin[3]	8,740	...	...	...
White	4,649	...	...	...
Black	160	...	...	...
STUDY STATES[4]				
Total Mexican origin[3]	633	...	...	...
White	332	32.7	30.5-34.9	109
Black	111	92.9	91.2-94.6	103
White Mexicans by State group:				
Total	332	32.7	30.5-34.9	109
Group I	51	49.1	44.9-53.3	25
Group II	47	62.2	56.6-67.8	29
Group III	72	18.2	15.2-21.2	13
Group IV	118	18.7	15.0-22.4	22
Group V	44	39.9	36.8-43.0	18

[1]Based on a sample of 1980 census long-form (sample) questionnaires.

[2]The confidence interval was based on 2 standard errors. To illustrate, if all long-form questionnaires were edited using the study editing rules, a conclusion that the overall rate of rejection lies within a range of plus or minus 2 standard errors from the sample rejection rate would be correct for about 95 percent of all possible samples.

[3]Includes American Indian, Eskimo, and Aleut; Asian and Pacific Islander; and other races not shown separately.

[4]Includes 27 States and the District of Columbia.

non-Spanish persons had occurred in the 1980 census. The application of the edit rules to the study population resulted in rather large proportions of Mexican origin entries being rejected for both Black and White persons. For Black persons who reported Mexican origin, the rejection rate was extremely high (93 percent); and although the rejection rate for White persons was lower (33 percent), it was still substantial (see table E-3).

The rejection rate among White persons reporting Mexican origin varied widely by State group. As shown in table E-3, the rejection rate for persons classified as White Mexicans is *highest* in groups II and I (which include only Southern States) and lowest in group III (consisting of Louisiana, Oklahoma, and Florida) and group IV (which includes three North Central States). In State group II, the majority (62 percent) of Mexican origin responses made by White persons were rejected and in State group I about one-half (49 percent) of the responses were rejected. The rejection rate was moderately high (40 percent) for group V (including the Northeastern States but excluding New York city). For both State groups III and IV, the rejection rate was about 18 percent.

phone reinterview of the sample households was performed in January 1982. A sample of about 200 White households and 100 Black households with reported telephone numbers on the census questionnaire was randomly chosen from the study households rejected by the edit rules. About 76 percent of the households were contacted. Results from the reinterview sample clearly supported "rejection" of the Mexican origin responses as determined by the edit rules. The overwhelming majority of Black persons (99 percent) and White persons (94 percent) in the reinterviewed households reported as "not Spanish." No attempted reinterview of "accepted" households was made.

Limitation of the Methodology

Extreme caution should be exercised when attempting to interpret the results of this study (discussed below). Since a full validation of the edit rules was not performed for either the rejected or accepted Mexican origin responses, the rejection rate[2] of Mexican origin responses made by the edit rules should *not* be interpreted as truly estimating a net *misreporting rate*. However, given the available data, the rejection rate can confidently be interpreted as an *indicator* of misreporting. Although the study sample was not large enough to provide rejection rates for individual States, the study results may be used to identify broad geographical areas particularly susceptible to misreporting and to give some indication of the order of magnitude of the reporting error for these areas.

MAJOR FINDINGS

The results of the study demonstrated that misreporting of Mexican origin by

[2] Proportion of "rejected" Mexican origin responses.

By inflating the sample results from the edit operation to the level of the full 1980 census population in the study States, an estimate of the total number of Mexican origin responses which are probably erroneous can be derived. About 200,000 false reports were estimated by application of the edit rules; these false reports were equally divided between White and Black persons (about 100,000 for each group). Table E-3 shows the estimated number of rejected responses for both White and Black persons (by State group for White persons).

IMPLICATIONS

The estimated number of false reports of Mexican origin comprised a rather large proportion—almost one-third—of the total Mexican origin population in the study areas, but a much smaller proportion—only about 7 percent—of the

total Spanish origin population in those areas. The study results indicate that the extent of misreporting of White persons varies considerably by State groups; and that the degree of misreporting is most pronounced in the South (excluding Texas, Florida, Oklahoma, and Louisiana).

Results based on available data from the study suggest that the impact of potential misreporting of Mexican origin in the 1980 census is severe in specific areas of the Nation where the Spanish origin population is generally sparse. In those areas of the study where persons reporting Mexican origin comprised a substantial proportion of the total Spanish origin population, the size of that population could be seriously overstated. In such areas, the distribution of Spanish origin persons by race would be distorted and the White non-Spanish and Black non-Spanish population understated. However, the study results show that National 1980 census data on the Mexican origin population are not seriously affected by this reporting problem. For example, if the 212,000 persons rejected were in fact misreported as being of Mexican origin, they would constitute only 2.4 percent of the overall 8.7 million Mexican origin persons reported in the 1980 census.

This study has focused on only one type of error in the reporting of Spanish origin in the 1980 census. Subsequent evaluation of 1980 census data will provide more information on the quality of data for the Spanish origin population. Future studies will deal with erroneous reporting of Spanish origin (both overreporting, as found in this study, and underreporting), coverage of the Spanish origin population, and the effects of allocation and processing procedures on that population.